



Application:

APPEAL APPLICATION

This application is to be used for any appeals authorized by the Los Angeles Municipal Code (LAMC) for discretionary actions administered by the Department of City Planning.

1. APPELLANT BODY/CASE INFORMATION

Appellant Body:

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

Regarding Case Number: CPC-2015-74-GPA-SP-CUB-SPP-SPR

Project Address: 5520-5544 Sunset Blvd.; 1417-1441 N. Western Ave.; 1414 St. Andrews Pl.; 5525 De Longpre

Final Date to Appeal: 12/30/2015

- Type of Appeal:
- Appeal by Applicant
 - Appeal by a person, other than the applicant, claiming to be aggrieved
 - Appeal from a determination made by the Department of Building and Safety

2. APPELLANT INFORMATION

Appellant's name (print): Doug Haines

Company: _____

Mailing Address: P.O. Box 93596

City: Los Angeles State: California Zip: 90093-0596

Telephone: (310) 281-7625 E-mail: _____

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

Self
 Other: The La Mirada Avenue Neighborhood Association of Hollywood

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

3. REPRESENTATIVE/AGENT INFORMATION

Representative/Agent name (if applicable): Robert Silverstein

Company: The Silverstein Law Firm

Mailing Address: 215 N. Marengo Avenue, 3rd Floor

City: Pasadena State: California Zip: 91101

Telephone: (626) 449-4200 E-mail: robert@robertsilversteinlaw.com

4. JUSTIFICATION/REASON FOR APPEAL

Is the entire decision, or only parts of it being appealed? Entire Part

Are specific conditions of approval being appealed? Yes No

If Yes, list the condition number(s) here: _____

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

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

5. APPLICANT'S AFFIDAVIT

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

Appellant Signature: *[Handwritten Signature]*

Date: 12/29/15

6. FILING REQUIREMENTS/ADDITIONAL INFORMATION

- Eight (8) sets of the following documents are required for each appeal filed (1 original and 7 duplicates):
 - Appeal Application (form CP-7769)
 - Justification/Reason for Appeal
 - Copies of Original Determination Letter
- A Filing Fee must be paid at the time of filing the appeal per LAMC Section 19.01 B.
 - Original applicants must provide a copy of the original application receipt(s) (required to calculate their 85% appeal filing fee).
- Original Applicants must pay mailing fees to BTC and submit a copy of receipt.
- Appellants filing an appeal from a determination made by the Department of Building and Safety per LAMC 12.26 K are considered original applicants and must provide noticing per LAMC 12.26 K.7.
- 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.
- Appeals of Density Bonus cases can only be filed by adjacent owners or tenants (must have documentation).
- 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.
- A CEQA document can only be appealed if a non-elected decision-making body (ZA, APC, CPC, etc.) makes a determination for a project that is not further appealable. (CA Public Resources Code § 21151 (c)). CEQA Section 21151 (c) appeals must be filed within the next 5 meeting days of the City Council.

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)

December 28, 2015

Doug Haines
La Mirada Avenue Neighborhood Association of Hollywood
P.O. Box 93596
Los Angeles, CA 90093-0596

Los Angeles City Council
c/o City of Los Angeles Planning Department
Department's Public Offices, Figueroa Plaza
201 N. Figueroa St., 4th Floor
Los Angeles, CA 90012

**RE: Case No.: CPC-2015-74-GPA-SP-CUB-SPP-SPR;
CEQA No.: ENV-2008-1421-EIR and Addendum
Project Location: 5520 Sunset Blvd., Hollywood.**

Appeal of the City Planning Commission's November 12, 2015 approval of the "Target at Sunset and Western" Project:

I. INTRODUCTION

On June 30, 2009, the Los Angeles Central Area Planning Commission unanimously approved the "Target at Sunset and Western" project, a 74 feet, 4 inches tall, 420,035 sq. ft. proposed development in Hollywood at the southwest intersection of Sunset Blvd. and Western Ave., with 194,749 sq. ft. of retail space and 225,286 sq. ft. of above-grade parking in two levels totaling 458 stalls on the 160,678 sq. ft. lot. (The Project). The primary component of the Project was a 163,862 sq. ft. Target retail store requiring City approval of eight exceptions from the Vermont/Western Transit Oriented District Specific Plan, also known as the Station Neighborhood Area Plan ("SNAP"). At the Commission hearing, applicant Target Corporation's representatives were allowed generous speaking time, while opponents of the Project were each given just 60 seconds to voice their objections.

Following the filing of litigation over the City Council's subsequent approval of the Project and its Mitigated Negative Declaration, the applicant tendered back the project entitlements and prepared an Environmental Impact Report (EIR).

On August 14, 2012, the Central Area Planning Commission again unanimously approved the "Target at Sunset and Western" project, this time with an EIR, which again proposed a 74 feet, 4 inches tall, 420,035 sq. ft. development, with 194,749 sq. ft. of retail and 225,286 sq. ft. of above-grade parking spaces in two levels totaling 458 stalls on the 160,678 sq. ft. lot. Again, the primary component of the Project was a 163,862 sq. ft. Target retail store requiring eight exceptions from the Vermont/Western Transit Oriented District Specific Plan. At the Commission's hearing, project opponents were once again permitted only 60 seconds to speak.

Following the filing of litigation over the City Council's subsequent re-approval of the Project, Target proceeded with construction at its own risk. This risk came to pass with the Superior Court's judgment and writ in July of 2014 overturning the City's approvals. Once again, the City was given an opportunity to listen to the community's objections to the Project and require changes to make it conform to the law.

Instead, on November 12, 2015, the City Planning Commission once again unanimously approved the "Target at Sunset and Western" project, which again was proposed as a 74 feet, 4 inches tall, 420,035 sq. ft. development, with 194,749 sq. ft. of retail and 225,286 sq. ft. of above-grade parking spaces in two levels totaling 458 stalls on the 160,678 sq. ft. lot. Again, the primary component of the Project was a 163,862 sq. ft. Target retail store. This time, however, instead of granting the Project eight exceptions from the Vermont/Western Transit Oriented District Specific Plan, the City amended the General Plan, the Hollywood Community Plan, and the Vermont/Western Transit Oriented District Specific Plan to accommodate the same Project rejected by the Court. At the Commission's hearing, Planning Department staff and Target lobbyists were once again given ample opportunity to shower praise on the Project, while opponents were each allowed only 60 seconds to speak.

This appeal concerns the City's pre-commitment to the Target at Sunset and Western project, the inadequacy of the City Planning Commission's findings to support its approval, the Planning Department's refusal to enforce (or even acknowledge) zoning laws, and the City's violation of the California Environmental Quality Act (CEQA). Because the City has officially and repeatedly supported the project without proper CEQA review, the City Planning Commission's approval of the project was merely a post-hoc rationalization of a prior decision. Its approval must be overturned, and the project revised to conform to the law.

II. OBJECTIONS THAT ARE APPEALABLE

Although we object to all approvals and recommendations made by the City Planning Commission regarding the Project at its November 12, 2015 meeting, the Los Angeles Municipal Code (LAMC) restricts an aggrieved party (other than the applicant) from appealing amendments to the General Plan, Community Plan and Specific Plan, since those amendments go to the City Council for final consideration. This appeal is therefore of the following: Conditional Use Permit approval; Site Plan Review findings approval; Project Permit Compliance approval; and CEQA approval/certification, with the following objections:

- **The applicant has offered no evidence for public convenience and necessity to justify its request for alcohol sales;**
- **The Site Plan Review does not satisfy the requirements of Los Angeles Municipal Code (LAMC) Section 16.05F;**
- **The Project Does Not Comply with the Applicable Regulations, Findings, Standards and Provisions of the Vermont/Western Transit Oriented District Specific Plan/Station Neighborhood Area Plan (SNAP);**
- **The Project violates the California Environmental Quality Act.**

A. THE APPLICANT HAS OFFERED NO EVIDENCE FOR PUBLIC CONVENIENCE AND NECESSITY TO JUSTIFY ITS REQUEST FOR BEER AND WINE SALES IN A REPORTING DISTRICT OF INCREASING CRIME, AND THE CITY PLANNING COMMISSION HAS ABUSED ITS DISCRETION BY MAKING THE GRANT OF THE CONDITIONAL USE BEVERAGE PERMIT PERMANENT.

1) The subject area has an existing undue concentration of alcohol licenses.

The Project site is located in Census Tract 1909.01. The California Department of Alcoholic Beverage Control (“ABC”) permits three licenses for the sale of beer and wine for off-site consumption in this Census Tract and three licenses already exist: Tom’s Market, 1114 St. Andrews Place, ABC Type 20 license; Tony’s Liquor, 5707 Santa Monica Blvd., Type 21 license; Four Acres Market, 1111 N. Western Ave., Type 20. This Census Tract therefore would have an undue concentration if any more alcohol licenses were permitted.

Across Sunset Blvd. from the Project site is Census Tract 1905.1, which also is permitted to have three licenses for the sale of beer and wine for off-site consumption. This Census Tract is also full, with Walgreen’s at 5451 Sunset Blvd., Type 20; CVS Pharmacy at 5500 Hollywood Blvd., Type 21; and a liquor store at 5566 Hollywood Blvd., Type 21.

Across Western Ave. from the Project site is Census Tract 1911.1. This Census Tract is also full in regards to its permitted number of alcohol licenses, with Food 4 Less at 5420 Sunset Blvd., Type 21; Fountain Market at 5203 Fountain Ave., Type 21; and Bill’s Liquor at 5332 Sunset Blvd., Type 21.

The area surrounding the proposed Project is therefore saturated with venues selling alcohol. The ABC and City Planning Dept. have repeatedly denied a request for a Type 20 license for a 7/11 store at 5609 Sunset Blvd. (at St. Andrews Pl.), across from the Target site, due to the existing concentration of alcohol licenses.

2) The subject Reporting District has an extremely high crime rate.

The Target site is located in LAPD Crime Reporting District 668. The Determination Letter acknowledges at page F-27 that RD 668 had a total of 619 Part I and Part II crimes and arrests in 2014, compared to the citywide average of 163 Part I and Part II crimes and arrests, and the high crime reporting district average of 196 Part I and Part II crimes and arrests for the same period. In other words, RD 668 had a 2014 crime rate 380% greater than the citywide average. As stated in the Determination Letter, many of the Part I and Part II crimes and arrests were for alcohol and drug activity.

The high crime rate for the Target project site is particularly troubling since citywide reporting districts have seen a significant reduction in crime since the Target environmental impact report’s Notice of Preparation was issued in 2010, while the project site has conversely experienced a significant crime increase.

RD 668 had a total of 475 Part I and Part II crimes and arrests in the year 2010, with a high level of narcotics arrests and public drunkenness, and the highest number of gambling arrests. Los Angeles' 1,135 Reporting Districts reported 266,457 offenses and arrests for 2010, an average of 235 crimes and arrests per Reporting District. The Project's Reporting District therefore had a 2010 crime rate just over 200% above the citywide average, and has therefore nearly doubled in just five years.

3) The subject location is within immediate proximity of sensitive uses.

The Target site is also immediately across from both the Children's Learning Center and the Theatre for Children, both currently operated by Citizens of the World Charter School. A Federal parole facility located in the 5500 block of Harold Way near St. Andrews Pl. is within 500 feet of the Target site; the Covenant House, a facility for at-risk youths, is also within 500 feet at the corner of Western Ave. and Fernwood Ave., as is a homeless shelter operated by People Assisting the Homeless on Fernwood Ave. near De Longpre Ave. The proposed Project is also within 1,000 feet of other sensitive uses, including Grant Elementary School and Helen Bernstein High School.

4) State law requires denial of the alcohol license.

State law regulates the issuance of alcohol licenses. Under the California Business and Professions Code, the ABC shall deny an application for an alcohol license for the following reasons, unless a determination is made that the license is necessary for public convenience and necessity:

- The premises are located within 1,000 feet of schools and playgrounds, or located in the immediate vicinity of churches and hospitals;
- The premises are located in a crime-reporting district that has a 20 percent greater number of reported crimes than the citywide average;
- The granting of the license would exceed the number of permitted alcohol licenses for the area, resulting in an undue concentration of alcohol permits;
- The premises are located within 100 feet of a residence, as measured by airline at the parking lot.

The Applicant has shown no justification for its CUB request for beer and wine sales. The Applicant has instead provided irrelevant information in the Conditional Use findings, stating "*the proposed project will provide a needed improvement to the community by replacing a deteriorated shopping center with a high quality commercial center containing a variety of retail uses.*" This statement is not only meaningless (especially since Target is responsible for the "deteriorated shopping center"), but it purposely ignores the fact that both Walgreen's and Food 4 Less are located immediately across Western Ave. from the Project site, satisfying any local need for public convenience and necessity.

The findings also avoid admitting that Target's request, if granted, would result in an undue concentration of existing permits.

Target's CUB findings provide no justification whatsoever for creating an undue concentration of alcohol licenses in the Census Tract, within an area with a crime rate significantly exceeding the citywide average, and located adjacent to numerous extremely sensitive uses. This is especially relevant since Target has been the creator of blight in the area by taking a clean, quality commercial center and purposely turning it into a deteriorated mess.

5) The Commission abused its authority by granting Target an alcohol license in perpetuity.

The number of conditions imposed upon the Applicant for beer and wine sales are significantly less than those imposed on other CUB requests, and the Determination Letter omits the sunset clause included in the 2012 approval by the Central Area Planning Commission. Target therefore has been given a permanent grant of a permit to sell alcohol at its Hollywood store. In 2012, Condition of Approval #99 read as follows:

“The authorization granted herein is for a period of fifteen (15) years from the effective date of this grant. Thereafter, this authorization shall become null and void and the applicant shall be required to file for and obtain approval of a new conditional use grant pursuant to Section 12.24-W.1 of the Municipal Code in order to continue the sale of beer and wine for off-site consumption.”

In contrast, the City Planning Commission's 2015 Determination Letter eliminates the above clause, granting Target an alcohol license in perpetuity, when a 5-year approval for new applicants is standard.

Conditions 1 to 16 in the Determination Letter relate to the approval of the Applicant's Conditional Use Beverage (“CUB”) permit to allow the sale and dispensing of beer and wine for off-site consumption. Unlike the Determination Letter's 16 conditions, a standard approval for a beer and wine CUB will often require up to 40 conditions. These may include:

- A five-year period of approval (as noted, the Project in 2012 was restricted to a 15 year approval, while the 2015 Determination Letter has **NO TIME LIMITATION** for the grant of the CUB);
- No exterior advertising of any kind or type, including advertising directly to the exterior from within, promoting or indicating the availability of alcoholic beverages, with all windows maintained free of signs and other materials which inhibit views into the building;
- No single can sales of beer or malt beverages, nor shall beer and malt beverages products be sold in less than six-pack quantities;
- No fortified beer or malt beverages shall be sold;
- No caffeinated alcoholic beverage products shall be sold;
- Wine shall not be sold in bottles containing less than 750ml, and wine shall not be sold in bottles which do not require a corkscrew to be opened;

- No beer and wine shall be displayed within 5 feet of the cash register;
- No self-illuminated advertising of beer and wine shall be located on buildings or windows;

There is no excuse for the City to impose stringent conditions on the approval of other CUB requests, while granting extraordinary privileges for Target.

B. THE SITE PLAN REVIEW DOES NOT SATISFY THE REQUIREMENTS OF LAMC SECTION 16.05.F.

As defined by LAMC Section 16.05.A, the purpose of a Site Plan Review is to “*promote orderly development, evaluate and mitigate significant environmental impacts, and promote public safety by ensuring that development projects are properly related to their sites (and) surrounding properties...*”

There are three core findings required for the Project under its Site Plan Review. They are:

1. 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;
2. That the project consists of an arrangement of buildings and structures (including height, bulk and setbacks), off-street parking facilities, loading areas, lighting, landscaping, trash collection, and other such pertinent improvements, which is or will be compatible with existing and future development on neighboring properties;
3. That the residential project provides recreational and service amenities to improve habitability for its residents and minimize impacts on neighboring properties.

This analysis will focus on the Project’s Site Plan Review findings for numbers 1 and 2.

Site Plan Review Findings:

1). 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 noted previously, the purpose of a Site Plan Review is to ensure “*that development projects are properly related to their sites (and) surrounding properties.*” Approving amendments to the General Plan, Specific Plan, and Hollywood Community Plan does not make a project properly related to its site and neighboring properties. The first Site Plan Review finding instead requires that the project comply with “**all**” provisions of the Code, not merely those cherry-picked by the Applicant to sugarcoat impacts related to its development.

The Determination Letter finding states at page F-36: “***The goals of the SNAP seek to create a higher density of land uses...***” This comment is sheer nonsense. Nowhere in the Vermont/Western Transit Oriented District Specific Plan ordinance is there a statement that its goals include the densification of land uses. Instead, the primary purpose of SNAP, as expressed by Section 2.(E), is to “guide all development, including use, location, height and density, to assure compatibility of uses...”

The text of the Determination Letter’s finding ignores this purpose, instead quoting Specific Plan Section 2.(B), which encourages sufficient schools, parks, pools, libraries and police stations, and Section 2.(C), which seeks to establish a clean and safe pedestrian environment for residents.

The finding claims that approval of the Project “***will result in the payment of fees for schools, childcare facilities and other public services...***” This is incorrect. School funds are derived from residential development fees in order to mitigate housing impacts on school age population growth; commercial projects like Target’s do not pay any school fees. Regarding the SNAP fee for childcare facilities, Target originally attempted to weasel out of this obligation by seeking an exemption from the requirement (see *Draft EIR* p. IV.G-70). The City Planning Commission discussed eliminating the childcare fee provision in lieu of providing childcare for Target employees, but left it up to the Planning Department and City Council to establish those conditions. The Determination Letter therefore still doesn’t declare whether Target will provide childcare for its employees, or simply seek to escape the responsibility and pay no fee at all.

In contrast to comments referencing SNAP Section 2, (B), the Project does not provide financing for any parks, pools, libraries or police stations, nor are any such amenities included within the development. Funding for parks comes from Quimby fees, which are assessed on residential developments, not commercial projects. Whether or not additional sales tax revenue generated by development of the proposed Target store would be redirected back within SNAP’s boundaries for public amenities like pools and police stations is speculative at best and a pipe dream in reality. Based on the fact that the entire 2.2 square mile area of SNAP contains just 1 park (Barnsdale Park, which is on top of a very tall hill and has no recreational facilities) and 1 library for its 50,000 residents, with no public pools or police stations, and that this statistic hasn’t changed since SNAP was approved in 2001, it is highly unlikely that approval of numerous entitlements for a Target store will alter that equation.

The Determination Letter also claims in the first finding that the Project will provide a clean and safe shopping environment by widening sidewalks “*to provide a lively streetscape...*” Yet, while the Project will maintain the current 15-foot width of the Sunset Blvd. sidewalk, it will significantly reduce the width of the sidewalk along Western Avenue from its current 20 feet to 15 feet. The Project also removed the historic Canary Date Palm trees that had lined Sunset Blvd. for a century.

The finding continues, stating at page F-37: “***Through sensitive design, the project would be compatible with its surrounding uses.***” This statement defies any logical analysis or factual support, since the Project is in fact nothing more than a massive, unarticulated box, and has been repeatedly derided as such by the architects who comprise the Hollywood Design Review Committee. Target has in fact shown no sensitivity to surrounding uses, the Specific Plan, or members of this community.

The finding further claims a Floor Area Ratio (“FAR”) of 1.15:1 as evidence of the Project’s compatibility with surrounding uses, but this distorted figure is merely due to the LAMC not counting parking podiums in FAR calculations. If the 2-level, 225,286 sq. ft. parking structure were included, the 420,035 sq. ft. development’s true FAR would be 2.5:1, or well in excess of the permitted FAR of 1.5:1 for the site.

The Determination Letter further states that the Project complies with all Code provisions because it will: “*provide many pedestrian oriented amenities such as wide sidewalks, benches and new street trees that seek to make the neighborhood more livable and walkable*” (without explaining how reducing the width of the sidewalk makes it more walkable, or why cutting down mature trees and replacing them with saplings makes the community more livable); that “*the project would incorporate landscaping and architectural design that will promote an attractive streetscape and transit friendly development*” (without detailing how the Project’s minimalist architecture and transit “friendliness” make the proposed development compliant with the strict provisions of the LAMC); and that “*these features would promote a lively retail center*” that would “*break up the massing and scale of the project*” (admitting that the Project is massive and out of scale, without explaining how a massive box makes a retail center “lively”).

The Determination Letter’s Findings further claim adherence with both the Mobility Element and Air Quality Element of the General Plan, all while promoting vehicular trips to the Project, instead of mass transit use by Target patrons. The Determination Letter also cynically claims that the Framework Element “encourages the re-use of deteriorated commercial or regional centers,” without acknowledging that the subject property was a clean, thriving commercial center until Target took control of the site and discontinued all maintenance.

All such comments for the Site Plan Review are superfluous, incidental to the required finding, and insulting to commonsense. The Project does not comply with the LAMC, and the finding cannot be made.

Site Plan Review Findings:

2). That the project consists of an arrangement of buildings and structures (including height, bulk and setbacks), off-street parking facilities, loading areas, lighting, landscaping, trash collection, and other such pertinent improvements, which is or will be compatible with existing and future development on neighboring properties.

The Determination letter repeats the same cheerful commentary in this finding that is employed elsewhere to conveniently avoid the Project’s lack of compliance with SNAP, i.e. that the development will provide “*new wider sidewalks*” (when it will not),” and that the Project will “*provide raised planters, landscaping, benches and other such amenities intended to ... facilitate the break-up of the massing and scale of the project.*” There is no explanation, however, of how a street bench or raised planter can mask the Project’s overwhelming massing.

More importantly, the finding claims that “the height allowed for a commercial project within Subarea F of the SNAP is 75 feet...” when Subarea F does not yet exist, and that “**the design of the project incorporates materials similar to recent developments,**” without identifying what those recent development are.



Photo foreground: Looking south along Western Ave. at Sunset Blvd., circa 1917.

Note the historically low-scale nature of this segment of Sunset Blvd. Immediately west of the subject site is a 30-foot, 8-inch tall, single-story Home Depot with surface and rooftop parking. Across from the subject site at the NW intersection of Sunset Blvd. and Western Ave. is a former one-story OSH hardware store with surface parking. At the SE corner of this intersection is a single-story Food-4-Less grocery store with both below-grade and surface parking.



Immediately West of the Target site: The 31-foot tall, one-story Home Depot



Immediately north of the Target site: A former one-story OSH Hardware store, now WSS Shoes.



Immediately east of the Target site at the southeast corner of the intersection of Sunset Blvd. and Western Ave., a single-story Food-4-Less, and McDonald's.

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Immediately south of the parcel is the one- and two-story former headquarters of the non-profit Assistance League of Southern California.



Immediately south of Target site: Two-story former offices of non-profit Assistance League of Southern California at De Longpre Avenue and St. Andrews Place.



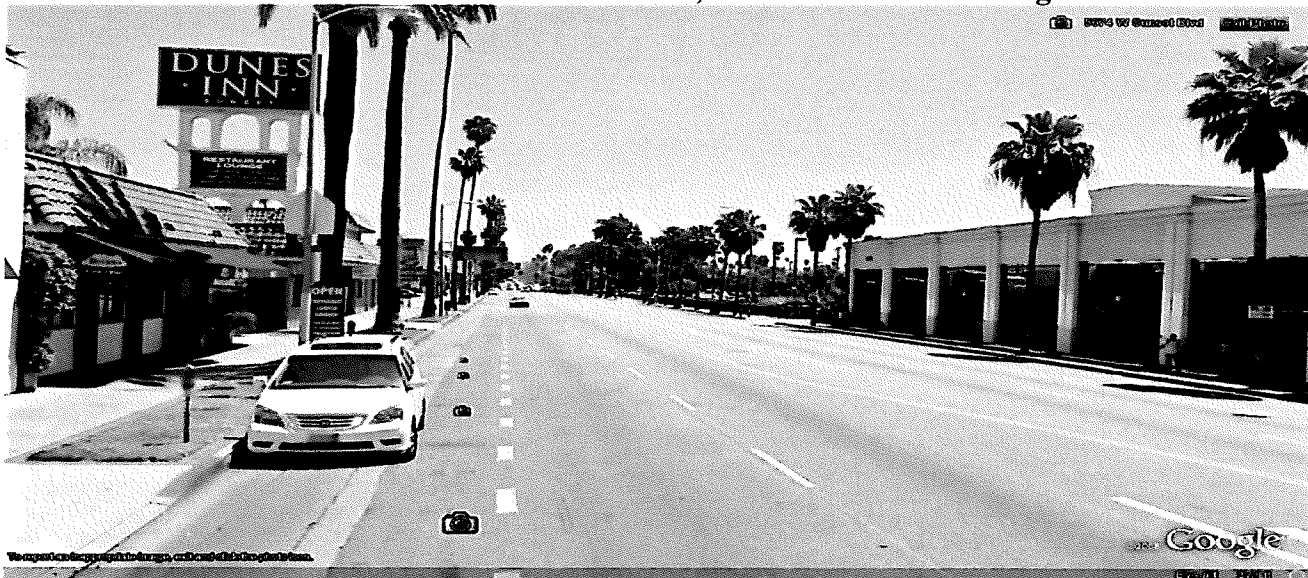
Rear view of the former site of non-profit Assistance League of Southern California, directly south of Target site, showing its surface and subterranean parking. (on De Longpre Ave.)



Single-story commercial development at northern corner of Sunset Blvd. and St. Andrews Pl.,



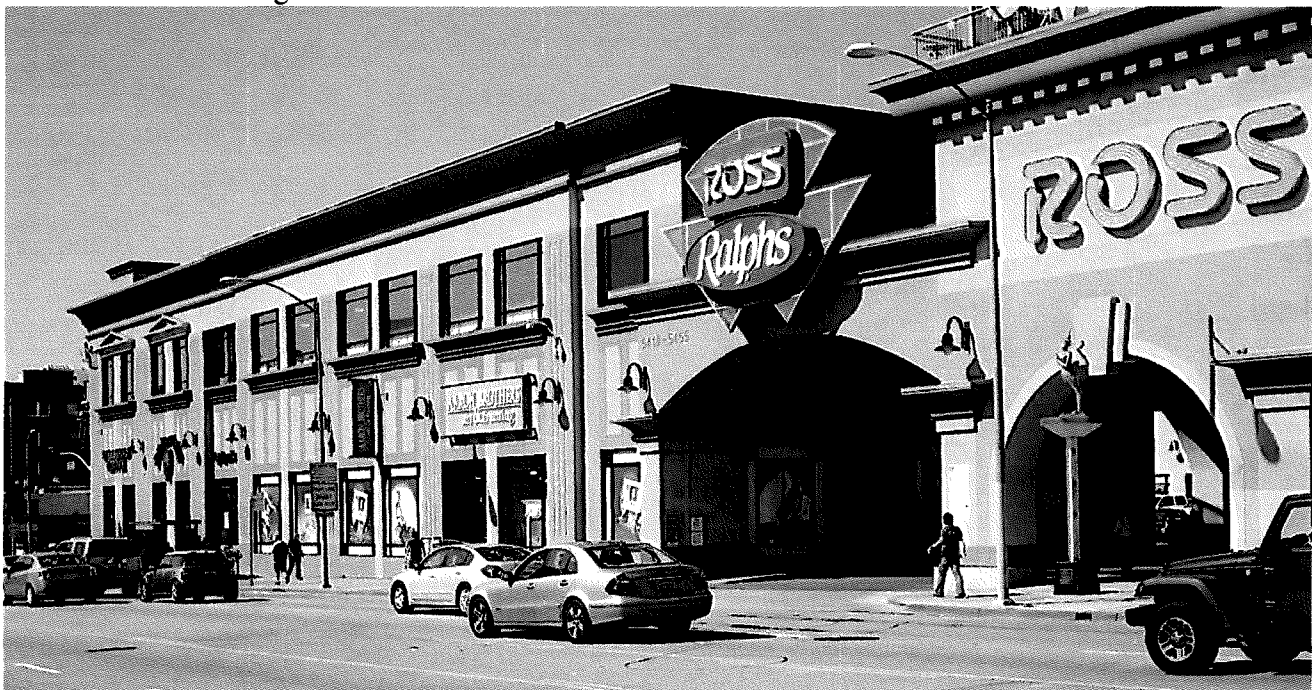
Dunes Inn on Sunset Blvd. near St. Andrews Place, a half block west of Target site.



Sunset Blvd. at Wilton in 2013, with Home Depot store at right. Project site is at upper right

As seen in the above photos, the proposed Project is clearly out of scale with the existing street context, and therefore violates the Site Plan Review requirement that it “will be compatible with the existing and future development on neighboring properties.”

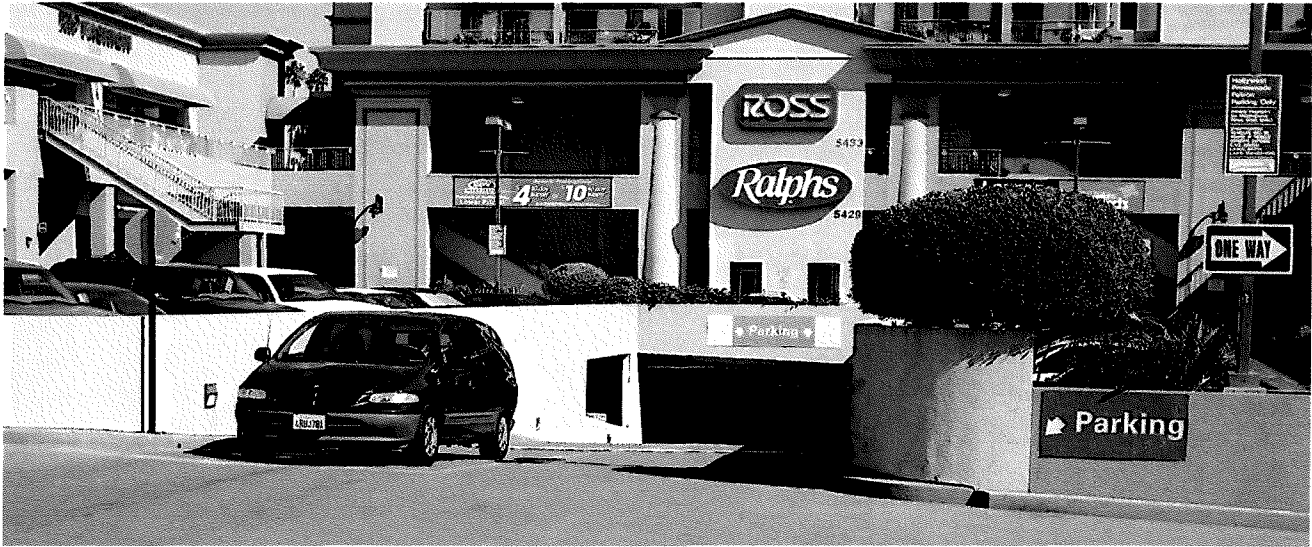
In contrast, a mixed-use development located a quarter of a mile north of the Target site at the northeast intersection of Hollywood Blvd. and Western Ave. shows how all of Target’s programmatic needs can be properly embodied without the necessity for any deviations from the Zoning Code. Commonly referred to as the Ralph’s Shopping Center for its primary tenant, this development features 215,927 square feet of retail space and 100 units of affordable senior housing on a 3.05- acre site. The project also offers extensive free subterranean and surface parking totaling 460 spaces. Per the requirements of SNAP, the retail component is confined to two stories and the retail structure does not exceed 35-feet in height.



Mixed-use development at Hollywood Blvd. and Western Ave. across from Red Line subway stop.

By comparison, Target’s proposed project would place 194,749 sq. ft. of retail on a 3.9-acre site with no housing and no subterranean parking. Target’s approved building would exceed 74 feet in height.

The mixed-use Ralph’s Shopping Center is located immediately across from a Red Line subway stop, and features neighborhood serving multi-tenant retail with a Ralph’s supermarket, Ross Dress for Less, Aaron Brothers frame shop, and 16 smaller retailers. The development also includes a large, grade-level plaza, proudly advertises on the side of the building that it features “lots of lower level parking”, and has façade articulation throughout the structure. **All of this is offered on a site almost an acre smaller than the Target site.**



Free subterranean and surface parking is available for use by patrons and neighbors.



Inner plaza at mixed-use development offers various neighborhood-serving retailers.

	Proposed Target Store	Ralph's Shopping Center
Lot size	3.9 gross acres	3.05 gross acres
Retail square footage/ Number of retail outlets	194,749 square feet retail/ (unknown; 30,887 sq. ft. "other")	215,927 square feet retail/ 18 storefronts
Height of retail component	74 feet, 4 inches in height	Retail: less than 35 feet
Housing component	NONE	100 units affordable senior
Distance to subway stop	1/4 mile to Red Line	Across street from Red Line
Parking spaces	458: two levels at above grade	460: surface and subterranean

If the mixed-use development at the intersection of Hollywood Blvd. and Western Ave. can offer more square footage of retail space than the proposed Target project, on a smaller lot, and also include 100 units of affordable housing while keeping the height of the retail structures below 35 feet, how then can the City Planning Commission justify amending the Specific Plan to accommodate Target?

C. THE PROJECT HAS BEEN SIGNIFICANTLY CHANGED AND THEREFORE AN ADDENDUM IS IMPROPER UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT.

Target originally advanced a Project that violated SNAP, in which the City attempted to grant eight exceptions to the specific plan. Although Target could easily have designed the Project to comply with SNAP, and in fact originally proposed a code-compliant, one-level store for the site, numerous exceptions were granted on bogus grounds that established there was no hardship relative to the subject site. The Superior Court agreed with petitioner La Mirada and overturned all project approvals and building permits for the original Project.

The original Project did not involve a proposed legislative change to “establish Land Use Regulations, Development Standards, and Design Guidelines for a new Subarea F, Large Scale Highway Oriented Commercial designation.” For instance, the Notice of Preparation for the Target Draft EIR did not include a proposed amendment of SNAP to create a new Subarea F for a certain class of commercial-only projects. It also did not include any proposed General Plan amendments.

The addition of proposed General Plan and Specific Plan amendments to create a new Subarea F constitute a new project under CEQA (14 Cal.Code Regs. Section 15378). Such new actions may not be obscured by weaving them into an Addendum for the original project seeking exceptions to SNAP. Preparation of an Initial Study and an EIR is required to support these new discretionary decisions, which are a prelude to being able to lawfully reapprove the Target Project without modifications to the building’s design.

The Addendum prepared for the “revised project” portrays the specific plan amendment as new legislation of general applicability to all projects that comply with its requirements:

“The Project Applicant has submitted an application for new project approvals consisting of an amendment to the SNAP (the ‘proposed Specific Plan amendment’) that would change development standards and certain requirements **for projects proposed for development within the SNAP area**, and an amendment to the adopted Hollywood Community Plan, and the Transportation Element of the City’s General Plan (the ‘proposed General Plan Amendment’). If approved, these amendments would permit the development of the Project in accordance with the Original Project description. The proposed Specific Plan amendment, proposed General Plan Amendment, and the subsequent actions needed to complete construction of the Original Project comprise the Revised Project.” (Addendum at page 8, emphasis added).

On pages 8-10 of the Addendum, the City repeatedly explains that the requested Specific Plan amendment would revise SNAP to create a different set of regulations for **Projects** that meet the requirements for the proposed Subarea F. For instance, these new regulations will apply to “Commercial Only **Projects**. **Projects** comprised exclusively of commercial uses over 100,000 sq. ft. on existing sites of over 3.5 acres, and within a quarter-mile of a transit station, and within a quarter-mile of freeway on and off ramps, shall not exceed a maximum height of 75 feet and a maximum FAR of 1.5...” (Emphasis added). The Specific Plan amendment would “establish development standards and design guidelines for **projects** located within Subarea F.” (Emphasis added). The Addendum prepared by the City clearly states that the Revised Project under consideration includes a discretionary legislative enactment that would apply to **projects**, only one of which is the Target Project originally analyzed by the City. If the legislation only applied to the Target Project, it would not purport to authorize projects throughout the SNAP area.

This fact was pointed out repeatedly to both the Hearing Officer and the City Planning Commission. In response, the Staff Recommendation Report asserted without any supporting evidence that “The Specific Plan Amendment would only apply to the Target site.” (Staff Report page A-1). The Addendum clearly states the exact opposite and includes provisions that apply to other property in the SNAP area and not the Target site. For instance, anyone who assembles 3.5 acres within 1,500 feet of the transit station and freeway ramps is eligible to propose a commercial-only project of a minimum size that would qualify for Subarea F special treatment.

Also, other requirements in the proposed amendment apply to other Subarea F projects in the future, but do not apply to the Target site. For example, note the Addendum’s description of a Transitional Height requirement proposed for Subarea F projects: “Height Limit. Notwithstanding any provisions of Section 12.21.1 A.10 of the Code to the contrary, portions of **buildings on a lot located within the Subarea** shall not exceed the height limits set forth below when located within the distances specified therein from a lot within the Subarea A [residential].” (Addendum page 10, emphasis added). The Target site is not affected by this portion of the legislative proposal because Target is not adjacent to any Subarea A parcels, yet the City proposes its inclusion in legislation of general applicability to **buildings** in Subarea F.

If the proposed Specific Plan amendment only applies to Target, then why does the proposal include regulations that have no application to the Target site? The answer is apparent: The City, at Target’s suggestion, is trying to write legislation of general applicability to avoid a discriminatory spot zoning violation, creating new zoning law that only benefits Target while retaining the original SNAP regulations on any of its competitors interested in also developing a store within SNAP. The Commission has therefore elevated the land use rights of Target over all other property owners in the vicinity. Such a discriminatory act constitutes unlawful spot zoning to the surrounding property owners in the district.

The creation of Subarea F has many reasonably foreseeable significant impacts, some of which are growth inducing. In the absence of proper CEQA review, the City has failed to proceed in accordance with state law.

D. THE PROJECT DOES NOT COMPLY WITH THE APPLICABLE REGULATIONS, FINDINGS, STANDARDS AND PROVISIONS OF THE VERMONT/WESTERN TRANSIT ORIENTED DISTRICT SPECIFIC PLAN/STATION NEIGHBORHOOD AREA PLAN (SNAP)

The Project does not comply with SNAP. This basic truth was established in 2014 by the judgment of the Court in overturning the illegal Project approvals.

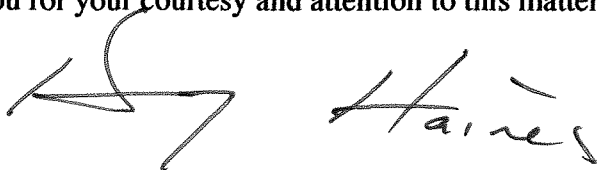
In response, the City and Target have created Subarea F to reflect the illegally approved Project. Put simply, instead of reconfiguring the existing structure to conform to the law, the law is being reconfigured to conform to the illegally approved building. Provisions of SNAP that previously required exceptions -- such as the Project's allowable height, hours of operation, free delivery, building design, roof articulation, and others -- have simply been eliminated, or become new, relaxed Standards and Design Guidelines that conform with what Target wants the approvals to be. This is being done with the enthusiastic complicity of the City, which steadfastly insists that changing SNAP makes the Project consistent with SNAP.

Such doublespeak is straight out of Heller: "It was almost no trick at all," he wrote in "Catch-22," "...to turn vice into virtue and slander into truth, impotence into abstinence, arrogance into humility, plunder into philanthropy, thievery into honor, blasphemy into wisdom, brutality into patriotism, and sadism into justice. Anybody could do it; it required no brains at all. It merely required no character."

III. CONCLUSION

For the above reasons, we request that the City Council overturn the determination of the City Planning Commission, and instead require Target to redesign its proposed Hollywood store to obey the law.

Thank you for your courtesy and attention to this matter.

A handwritten signature in black ink that reads "Haines". The signature is written in a cursive style with a large, stylized initial "H".

Doug Haines, for the
La Mirada Avenue Neighborhood Association