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EXHIBIT "A"

APPEAL OF CASE CPC-2015-4455-DA ENV-2012-3063-EIR

The West Sawtelle Homeowners Association ("WeSaw") represents over 200 single-family residence owners in the area immediately north and adjacent to the proposed project, bounded by Bundy to the east, Centinela to the West, Nebraska to the South and Ohio to the north. We live in an area of significant nearby development where infrastructure has been unable to keep pace with new demands being made. This appeal is filed by and on behalf of WeSaw and their members and stakeholders living, working or owning property within these areas.

The Project site is composed of one lot, located at 12101 West Olympic Boulevard. The entitlements encompass three mixed-use buildings with a total of 516 residential units (508,200 gross square feet), 99,000 square feet of retail floor area (consisting of a 50,000-square-foot grocery store, 40,000 square feet of general retail use, and 9,000 square feet of restaurant uses), 200,000 square feet of creative office floor area, and enclosed subterranean parking. Currently, the existing zoning for site is M2-1 with a general plan land use designation of Light Manufacturing. The Applicant seeks to change the zoning to C2-D2 and amend the General Plan land use designation to General Commercial.

The Project's Final Environmental Impact Report No. ENV-2012-3063-EIR ("FEIR") was completed on December 30, 2015. As part of its Decision, the City Planning Commission made findings as required by the California Environmental Quality Act ("CEQA") with respect to its approval of the entitlements for the Project including a finding that "the CEQA Documents are adequate under CEQA" for approval of the requested entitlements. As described in greater detail below, WESAW appeals the Determination because the findings and conclusions contained therein are not supported by substantial evidence.

GROUND'S FOR APPEAL

The City Planning Commission erred and abused its discretion in approving the entitlements including, but not limited to, the examples set forth below. WeSaw and their members are aggrieved for many reasons. This project will have a multitude of significant, negative impacts in terms of aesthetics, quality of life, environmental, air quality, safety, traffic, and long-term developmental impacts. In short, the negative impacts far outweigh any benefits from this project to the nearby neighborhoods and the City and generate too many negative impacts to list herein. We appeal every issue previously raised by our and other organizations and our representatives that has not been adequately addressed in the Determination Letters, Conditions of Approval and Findings. We reserve our rights under basic due process of law to supplement our comments at or before the PLUM hearing. We also wish to incorporate all our past statements, testimony and correspondence to be part of this appeal.

A. QUALIFIED CONDITIONS OF APPROVAL NEITHER PROVIDE NOR ARE SUPPORTED BY SUBSTANTIAL EVIDENCE WITH RESPECT TO THE FINDINGS FOR THE PROJECT

1. Environmental Conditions

- a. **Public Services—Fire Protection/Police Protection** The residents have repeatedly voiced their concerns about the ability of police and fire to respond in times of heavy traffic if this project is approved in its current configuration. Roadway congestion affects the

ability of all emergency responders to reach their destinations including ambulances, both public and private.

- b. Public Services—Recreation Only 10,000 sq ft will be publicly accessible open space in a project with 800,000 sq ft of new development. Most of this space will be between the commercial tower and the residential buildings. This is not the sort of open space that encourages community use. With Los Angeles ranked near last in accessible park space amongst major US cities, one should expect more attention to this from our City representatives. Essentially, by continually ignoring Public concern regarding this issue, the City is infringing upon the Public's right of access to public open space. In nearby Santa Monica, where similar large projects generating enormous traffic problems have publicly accessible open space, "tot-lots", basketball courts, tennis courts and dog-friendly play areas.
- c. The Applicant claims 'Employees of commercial developments do not typically frequent parks or recreation centers during work hours, but are more likely to use facilities near their homes during non-work hours. In addition, employees and visitors are also unlikely to frequently visit parks. Similar to the Conceptual Plan, the Revised Project would not result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, or the need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, City of Los Angeles December 2015 Martin Expo Town Center Project 2. Responses to Comments Final Environmental Impact Report Page 2-27 response times, or other performance objectives for parks. Thus, no new impacts related to parks would result from implementation of the Revised Project.' Page 2-26 of FEIR. Is not the point of this project that employees would live and work nearby or in the same location? If the Applicant truly believes this, then why are they asserting that there would be no impacts on the parks?
- d. Condition 31 (Water Conservation) contains a range of conservation measures that may have been superseded by recent changes to the California Water Code and California Plumbing Code during and after preparation of the FEIR. Further, given the current operation of the City under shortage year rates, the inadequacy of the water supply assessment prepared for the Project, and the uncertainty of the Project's compliance with shortage year rates, conditions that are inconsistent with current State code requirements cannot be supported by substantial evidence as to their effectiveness and must be revised. All conditions, including those pertaining to water conservation must have defined enforcement responsibilities.

B. GENERAL PLAN LAND USE FINDINGS ARE NOT SUPPORTED BY SUBSTANTIAL EVIDENCE

1. Consistency with General Plan Land Use Designation

The project is not in scale or context with the surrounding neighborhood and therefore is in violation of the WLA Community Plan and the City's General Plan. WeSaw is a unique neighborhood of single-family, detached houses and the proposed 10 story, 160 foot tall commercial building will degrade our neighborhood aesthetics. At 7 stories, the proposed residential buildings will be visible to our neighborhood. The tallest residential tower in the area is only 6 stories tall. This proposed excessive height of the residential buildings and the commercial tower will have a direct negative impact on neighborhood scale and character by creating:

- noise pollution at all hours of the day and night from both residential, commercial and live entertainment activity,

- significant light pollution at night

A building of this height, 160 ft, will set precedence for other similarly over-sized buildings and will further contribute to a decline in the aesthetics and livability of the neighborhood.

The Applicants request for a Conditional Use Permit for Live Entertainment/dancing is not consistent with General Land Use of the neighborhoods that surround it.

Consequently, this determination, based on the measures referenced above, is not supported by substantial evidence.

2. Lack of Consistency with General Plan Objectives and Policies

The City Planning Commission's decision to approve the entitlements constitutes abuse of discretion because the Project is inconsistent with numerous objectives of the General Plan and Community Plan. The Project received an illegal General Plan Amendment in defiance of the City Charter and an illegal Height District Change.

The West Los Angeles Community Plan calls for the retention of existing industrial uses. A conclusion of consistency with this objective cannot be supported since the Applicant is requesting a zone change from M2-1 to C2-2D, thereby removing, rather than retaining, an industrial use. The Community Plan Objective 3-3 is not supported by substantial evidence because the Applicant proposes to remove any potential for industrial use.

The West Los Angeles Community Plan Objective 1-2 calls for the *reduction* of vehicular trips and congestion by the development of new housing in proximity to adequate services and facilities. The Project cannot be found to comply with this Objective because it results in an increase of 7000 net new daily traffic trips. Therefore a conclusion of consistency with Objective 1-2 cannot be supported. The Applicant is also requesting a Conditional Use Permit for Live Entertainment/dancing, which will result in the increase of vehicular trips, not decrease, and is therefore not consistent with Objective 1-2.

The West Los Angeles Community Plan Objective 2-2 calls for promoting pedestrian-oriented areas.

1. The Project cannot be found to comply with this Objective because the Project actually increases the potential for vehicle conflicts by combining pedestrian and vehicle ingress and egress.
 - The project proposes left turns from northbound Bundy into project, which will increase the likelihood of accidents as drivers watch desperately for a break in heavy congestion to turn into project and pedestrians walk alongside the project.
 - The proposed mitigation measures for the Project include the addition of one more left turn lane on Bundy both northbound and southbound. The proposed mitigation does nothing to increase pedestrian safety, and in fact makes it more dangerous as pedestrians crossing north or south on Bundy will now have to traverse one more lane of traffic and avoid one more lane of distracted drivers.
 - Crossing and walking along Bundy is very dangerous and unpleasant due to the speeding traffic in non-peak hours and the lack of enforcement of existing speed limits by the LAPD. Adding an additional 7000 daily car trips will make accessing the metro and our public park more dangerous for those on foot and is not consistent with Objective 2-2. WeSaw residents walk down Bundy and need to cross this street to get to our *only public park in the area*, Stoner Park. WeSaw residents will also have to cross Bundy at Olympic to access the Metro.

Ultimately, no changes in zoning should be contemplated before the WLA Community Plan is complete. Any efforts to do so undermine that important effort and risk irreparably damaging the vision we have for our community.

3. Severe Undercounting of Traffic Impacts from Project

The findings the FEIR states that the trip count numbers for the creative office space/commercial component of project estimate 206 sq ft per employee. A much more *accurate* but still conservative estimate would be 125 sq ft per employee. Commercial realty companies estimate between 100 and 150 sq ft per employee for creative office space/commercial space. Both Kilroy and Tribeca, two other creative office space locations across from and adjacent to the project, average 125 sq ft per employee. A typical vice-presidents office is between 150 and 250 sq ft – not a typical creative office worker. That means for the creative office space, the daily trip count for that use is off by as much as 50%. The studies that the developer cites as evidence against undercounting are dated (2004) or during the recent recession (2009).

The daily trip count numbers also severely undercount the numbers for the proposed grocery store and retail uses.

a. General Welfare

The West Los Angeles community as a whole is severely impacted by traffic congestion. The FEIR public services analysis contains no analysis regarding the effects of the Project-related traffic impacts on police and fire response times. Clearly, this is huge concern to residents in the area.

4. Compliance with Height and Area Regulations

The Applicant asked for and received an illegal Height Change in defiance of the City Charter.

5. No Material Adverse Impact on Neighboring Uses

The traffic study used in FEIR did not correctly predict and measure cut-through traffic into our neighborhood as a result of the Project. As evidence, we note that Iowa is currently used as a cut-through between Centinela and Bundy, both streets that will be severely impacted by the Project. Iowa already suffers from a standing back-up of cars of greater than two blocks when Bundy is severely impacted. The fact that Iowa was not even considered as a street that should be assessed for traffic impact analysis demonstrates a clear lack of understanding of our neighborhood and traffic flow in and around it.

- Furthermore, as residents in this neighborhood we know that the statement in the EIR that there would be no new cut-through in our neighborhood is completely false. We already note significant cut-through on all our streets, including Iowa, Amherst, Wellesley and Carmelina.
 - It is unbelievable that 7000 new car trips each day around our neighborhood will not lead to a severe increase in dangerous cut-through in our family neighborhood.
- a) The plan for Bundy Drive ingress and egress is dangerous to our community, our young and our elderly in particular. The ingress there allows for drivers going north on Bundy to make a left into the project. This creates a danger for pedestrians and bicyclists, both from our neighborhood and as a whole.
 - b) Project requirements should MANDATE annual or semi-annual unannounced traffic counts and the City should have access to parking data (a required annual development-compiled report with established reporting categories and an ability to VERIFY the reports) when the project reaches 75 percent occupancy in any of its land use categories. Ideally, there should be an automated data gathering system (like 20th C Fox studio) so that we can know what the vehicle demands are for this specific project and for Westside TOD's. Having such data will be

useful in future planning and will be key to designing future projects better.

- c) The proposed Project and associated traffic mitigation measures are not pedestrian and bicycle friendly and do not encourage alternative means of transportation. Proposed mitigation measures to both Bundy and Olympic lack bicycle lanes. There is currently no realistic proposal to encourage non-automobile traffic to access the nearby planned Expo stop. None of these proposed mitigation changes will encourage alternative means of transportation around this highly congested area.

C. SITE PLAN REVIEW FINDINGS CANNOT BE MADE

1. Compliance with Applicable Code Provisions and Specific Plans

As the DEIR notes, 18 of the 56 intersections studied already operate at a level of service “E” or “F.” The DEIR fails to note that another 12 intersections currently operate at an LOS “D”— meaning that 2/3 of the signalized intersections in this area already operate at unacceptable levels. The FEIR states that 14 of these intersections will be worsened to a level that is significant as the result of this project, and 16 by 2030. Numerous others will be worsened but not to “significant” levels under CEQA. This level of impact by a single project is simply unacceptable.

2. Consistency with the General Plan

With respect to the West Los Angeles Community Plan, the FEIR cannot support with substantial evidence the conclusions that the Project is consistent with Objective 1-2 (reduction of vehicle trips) and Policy 1-2.3 (to not increase residential densities beyond those permitted in the Plan unless the necessary infrastructure and transportation systems are available to accommodate the increase). Again, such conclusions are not supportable given the fact that the Project will result in an additional 7000 net new daily traffic trips. Again, No changes in zoning should be contemplated before the WLA Community Plan is complete.

4. CEQA and Other Environmental Findings

The fact that significant and unavoidable impacts would occur does not relieve the City of its obligation to properly address those effects, particularly where, as here, potential effects would occur that the FEIR failed to address.

D. The Statement Of Overriding Considerations Is Not Supported By Substantial Evidence

The purported benefits of the proposed Project do not outweigh its numerous significant and unavoidable impacts to air quality, noise, traffic, pedestrian safety and transportation. As proposed, the Project will create more unmitigated traffic impacts than any other West Los Angeles Project in recent history. Careful consideration and substantial evidence must underlie any decision to adopt a statement of overriding considerations ("SOC"), but such substantial evidence does not exist in this case.

First, as described above, additional mitigation for the impacts identified is feasible and must be incorporated into the FEIR and the Determination before the City may consider overriding those impacts. Further, as described above, the FEIR failed to disclose additional Project-related impacts will occur, particularly with respect to air quality, land use and planning, noise, public services, and traffic. The City cannot adopt an SOC without a clear, accurate picture of the Project's impacts.

Additionally, the intrusion of this project into our neighborhood may actually cost the loss of well-paid jobs and business. Indeed, many of the over 20 media companies in proximity to the Project, have expressed their willingness to leave the City if traffic becomes so bad that it becomes difficult to recruit highly-skilled workers. There are also small business owners in West LA who have expressed their concern that their clients do not want to endure further traffic delays and indeed may seek services elsewhere if traffic worsens.

Other purported benefits listed include the Project's proposed retail uses. However, the Project proposes a wholly unnecessary, traffic-generating grocery store at a site already surrounded by grocery stores. We have two Trader Joes, two Ralphs, a Bristol Farms and a Whole Foods all within walking or biking distance of that same location. If the premise is that the residents and employees will walk to the metro, then certainly they can walk to the grocery store.

The project would present a significant barrier to access to two major Westside medical care facilities frequented by our residents: St. John's Hospital and Medical Center and the UCLA-Santa Monica Medical Center and Orthopedic Hospital. With the Project, the traffic loads that are already experienced at peak hours would be experienced during the entire day, thereby delaying and hindering access to medical care for it's residents.

CONCLUSION

For the reasons stated above and those presented during the hearing on this appeal, WESAW respectfully requests that the City Council overturn the Determination and all entitlements previously approved and/or recommended on its basis, and refuse to certify the FEIR. We request to be noticed of all future decisions, meetings and hearings pertaining to this Project.

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Sharon Dickinson <sharon.dickinson@lacity.org>

FW: Martin Expo Town Center (METC) Hearing

1 message

Dan Martin <dmartin@sagehillcap.com>

Fri, Sep 16, 2016 at 3:16 PM

To: Ezra.Gale@lacity.org, Sharon.dickinson@lacity.org, Luciralia.ibarra@lacity.org, Erika.Pulst@lacity.org

----- Forwarded message -----

From: **Jeff Gerlach** <jeffrey.gerlach@gmail.com>

Date: Thu, Sep 15, 2016 at 9:58 AM

Subject: Martin Expo Town Center (METC) Hearing

To: mike.bonin@lacity.org

Council Member Mike Bonin,

I am writing this to express my sincere disappointment in how the PLUM hearing was handled for the Martin Expo Town Center this past Tuesday afternoon. I know I speak for a large number of supporters who had taken time out of our work to drive down to City Hall and support the project.

As a Brentwood resident, this project is near and dear to my heart and I hope the city will allow me and other local residents the opportunity to finally enjoy a much needed, true transit oriented project in our area.

I'm sure you can understand my frustration when after taking time out of my day to support a project I am excited about, I learn that I will be unable to voice my support and that PLUM will not even hear the case. Thus, I will now need to take another day off of work to support the project next Tuesday.

I hope next Tuesday the city will take into stronger consideration the time and energy dedicated by local supporters like myself who are so passionate about this great project and are excited about the transit oriented opportunity METC offers our community.

Thank you,

Jeff Gerlach



Sharon Dickinson <sharon.dickinson@lacity.org>

FW: Martin Expo Town Center/PLUM debacle

1 message

Dan Martin <dmartin@sagehillcap.com>

Fri, Sep 16, 2016 at 3:15 PM

To: Ezra.Gale@lacity.org, Sharon.dickinson@lacity.org, Luciralia.ibarra@lacity.org, Erika.Pulst@lacity.org

From: Fritz Burkart [mailto:fritz@burkart.org]
Sent: Thursday, September 15, 2016 9:31 AM
To: mike.bonin@lacity.org
Subject: Martin Expo Town Center/PLUM debacle

Councilman:

I am writing to express my firm support for the Martin Expo Town Center and my sincere frustration with what occurred this last Tuesday at PLUM. I was there, together with what I would estimate to be about 100 other folks to exercise their right to speak out on this issue. People were there from both sides of the issue. While I support the Martin Expo Town Center, I am equally disappointed that opponents were denied a right to speak.

All of us had taken precious time out of our work days to travel downtown to participate in the civic process. That the city attorney found a technical error on the part of the city (and not the Martins) and as a result adjourned discussion on the issue is not only laughable, it is a travesty. To be sure, this quashing of discovery on technical grounds lies somewhere between a denial of due process and disenfranchisement. What's more, it reflects dereliction of duty on the part of PLUM. Why did the Committee not have the presence of mind to take advantage of the fact that scores of citizens, who elect them and pay their salaries, had voluntarily gathered on an issue they care deeply about? What purpose does hiding behind procedure serve? So that we are all less informed at the end of the day?

You have lent your name and support to the Martin Expo Town Center. Its fate at City Council next week is in your hands. I sincerely hope that you are up nights gathering support from your council colleagues and that you will vociferously defend the project to ensure its passage.

You have done a fine job thus far representing my district. The City needs the Martin Expo Town Center and more projects like it. Votes like this will define your legacy as a civic leader.

Sincerely,

Fritz Burkart



Sharon Dickinson <sharon.dickinson@lacity.org>

FW: Strong support of Martin family project

1 message

Dan Martin <dmartin@sagehillcap.com>

Fri, Sep 16, 2016 at 3:17 PM

To: Ezra.Gale@lacity.org, Sharon.dickinson@lacity.org, Luciralia.ibarra@lacity.org, Erika.Pulst@lacity.org

From: Bmorehead@ffbcorp.com [mailto:Bmorehead@ffbcorp.com]

Sent: Thursday, September 15, 2016 2:34 PM

To: mike.bonin@lacity.org

Subject: Strong support of Martin family project

HI MIKE

We strongly support the Martins new development at Bundy/Olympic . We need more people like the Martins to stay in California

and to make similar investments. WE must compete with other cities for the skilled high income young professionals. The rail oriented development is timely.

Please let us see your strong support for the New Los Angeles.

Bill Morehead

First Financial Bancorp

12424 Wilshire Blvd Suite 630

Los Angeles Ca. 90025

ph 310-571-3600-ex-135

cell 310-795-9367

Bmorehead@ffbcorp.com



Sharon Dickinson <sharon.dickinson@lacity.org>

Martin Expo Town Center

2 messages

Kevin Gaunt <kevingaunt18@gmail.com>

Fri, Sep 16, 2016 at 3:17 PM

To: "mike.bonin@lacity.org" <mike.bonin@lacity.org>

Cc: "ezra.gale@lacity.org" <ezra.gale@lacity.org>, "luciralia.ibarra@lacity.org" <luciralia.ibarra@lacity.org>, "sharon.dickinson@lacity.org" <sharon.dickinson@lacity.org>, "erika.pulst@lacity.org" <erika.pulst@lacity.org>

Dear Councilmember Bonin,

I am a Mar Vista resident and a firm supporter of Martin Expo Town Center. I am writing to express my frustration and disappointment about being removed from the PLUM hearing agenda on Tuesday afternoon (with no notice). My fellow supporters and I took time away from our professional and/or family obligations to show our support for this project that we passionately believe in. The last minute change will not diminish our support and I look forward to appearing again on Tuesday.

My wife, Rachel, and I are raising two young children (Gus & Ginny, 4 & 2) on Navy Street. We are very excited about the Expo Line and have been riding since the opening in May: to the beach, the natural history museum, downtown for date nights and, in the near future, to the Coliseum for Rams games.

There are two primary reasons why I am so supportive of this project:

1. Having a destination like this on the Expo Line (with bike parking, rider parking and great neighborhood-serving retail) will significantly increase my family's Expo ridership.

2. I know the Martin family personally and we are lucky to have them behind this. With a decades-long track record of doing business in our district, they generously support the community (including organizations like OPCC, which I am personally involved with).

The Martins went out of their way to solicit feedback from residents in our area and incorporate those ideas into the project itself. We are fortunate to have such a high-quality transit oriented development on offer in our area (that is owned by good citizens of the local community).

I urge you and your colleagues on the council to fully support and approve Martin Expo Town Center. Having discussed this with my friends and neighbors in Mar Vista, I can assure you that my voice speaks for many.

Thanks and I look forward to (hopefully) meeting you on Tuesday!

Best,
Kevin

Dan Martin <dmartin@sagehillcap.com>

Fri, Sep 16, 2016 at 3:18 PM

To: Ezra.Gale@lacity.org, Sharon.dickinson@lacity.org, Luciralia.ibarra@lacity.org, Erika.Pulst@lacity.org

From: Brian McLoughlin [mailto:bmcloughlin2000@gmail.com]**Sent:** Thursday, September 15, 2016 5:03 PM**To:** Mike Bonin**Subject:** Martin Expo Town Center

Mike - I was at the PLUM meeting for the Martin Expo on Tuesday, only to be told that PLUM was not taking any public comments because someone messed up the wording of the public notice. Everyone was deeply frustrated, including me. LA's bureaucracy took yet another ding in its already-dented reputation.

Much more importantly, I ask you to vote YES to approve the Martin Expo. LA can be the next Silicon Valley in terms of attracting a high-wage, high tech labor force, but not without attractive housing. There are vast areas of low rise apartments in our city with no amenities and no public transportation options. These units contribute to our massive traffic problems. Engineers don't want to live in them!

The Martin Expo is what next-gen development in LA should look like. Portland and Denver have already shown the way. They have adopted high-density, mixed use development as the eco-friendly solution and their tech sectors have flourished.

If you want high-paying tech jobs to come to LA, you need the Martin Expo --- and 10 more like it.

Regards,

Brian J. McLoughlin

Managing Partner

Peer Capital

310.386.3399