

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: 4-7

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: Jordan Stein Date: 4/9/18

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).
- All appeals require noticing per the applicable LAMC section(s). Original Applicants must provide noticing per the LAMC, pay mailing fees to City Planning's mailing contractor (BTC) and submit a copy of the 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, pay mailing fees to City Planning's mailing contractor (BTC) and submit a copy of receipt.
- 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)].

This Section for City Planning Staff Use Only		
Base Fee: <u>\$89.00</u>	Reviewed & Accepted by (DSC Planner): <u>Ivory Chambers</u>	Date: <u>4/9/18</u>
Receipt No: <u>0102873988</u>	Deemed Complete by (Project Planner):	Date:
<input checked="" type="checkbox"/> Determination authority notified		<input type="checkbox"/> Original receipt and BTC receipt (if original applicant)

UNITE HERE! Local 11

464 Lucas Ave., Suite 201 • Los Angeles, California 90017 • (213) 481-8530 • FAX (213) 481-0352

April 9, 2018

VIA HAND DELIVERY

Planning and Land Use Management Committee
City Council, City of Los Angeles
c/o Development Services Center
Department of City Planning
201 North Figueroa Street, 4th Floor
Los Angeles, CA 90012

**RE: Appeal Application for 800 South Western Project
CPC-2016-3608-GPA-VZC-HD-MCUP-CU-SPR; ENV-2016-3609-MND;
VTT-74511
Approved by City Planning Commission on March 20, 2018**

Dear Honorable City Councilmembers,

On behalf of over 28,000 hospitality and restaurant workers represented by UNITE HERE Local 11 (“Local 11”) in Los Angeles, Orange County, and Arizona, Local 11 and Natalie Schuman (“Appellants”) appeal the actions taken by the City of Los Angeles (“City”) City Planning Commission (“CPC”) on March 20, 2018 with respect to the 800 South Western project (“Project”), including the following: adoption of the project’s Mitigated Negative Declaration (“MND”), approval and recommendation that City Council adopt a General Plan Amendment (“GPA”), approval and recommendation that City Council adopt a Vesting Zone Change (“VZC”) and Height District Change (“HD”), approval of a Density Bonus (“DB”), approval of a Master Conditional Use Permit (“MCUP”), approval of a Conditional Use Permit (“CUP”), and approval of a Site Plan Review (“SPR”) (collectively “Project Approvals”).

Appellant challenges this Project chiefly on the following grounds: the MND fails to assess the Project’s environmental impacts properly, there are serious conflicts between the proposed Project and corresponding Community Plan, there are glaring inconsistencies in the CPC’s Letter of Determination with respect to how much affordable housing the applicant is required to build, and there are insufficient measures to mitigate alcohol-related impacts on the surrounding community.

The MND did not provide sufficient evidence to prove that the Project would not have a significant effect on the environment. Pub. Res. Code § 21080(c); 14 Cal. Code Regs. §§ 15063(b)(2), 15064(f)(2)-(3), 15070. Given the size and scope of the Project and its potential environmental impacts, there is a “fair argument” that the Project may have significant environmental impacts, requiring the preparation of a full environmental impact report (“EIR”). *Quail Botanical Gardens Found., Inc. v. City of Encinitas* (1994) 29 Cal.App.4th 1597, 1602; *Friends of “B” St. v. City of Hayward* (1980) 106 Cal.App.3d 988, 1002; Pub. Res. Code

The construction of a new 12-story building is inconsistent with existing building heights in the area, and would set a precedent for development that is incompatible with existing surrounding uses. The Project's inconsistent size within the proposed neighborhood is evidenced by Western Plaza Capital Holding, LLC's ("Applicant") requests for a GPA to allow for an increased FAR, a Height District Change, and a Density Bonus. In addition, a comparison between the proposed Project and neighboring properties shows that a new 12-story building would be grossly inconsistent with the surrounding area. For example, properties to the north of the proposed Project site are developed with the four-story Oxford Palace Hotel & Galleria, a grocery store, retail shops, a wholesale market, and surface parking lots. Properties to the south are zoned C2-1 and R4-2 and are developed with the two-story Koreatown Plaza and its attached three-story parking structure. Properties to the east are developed with one two-story and one four-story apartment building and two six-story apartment buildings. Properties to the west are developed with the single-story Rodeo Gallery, and two and three-story apartment buildings (LOD, p. F-10). A 12-story building is double the height of any existing property surrounding the proposed Project site.

This height inconsistency is especially problematic given the Wilshire Community Plan's prioritization of consistency in building heights. The Plan states that "new commercial development needs to be compatible with existing buildings in terms of architectural design, bulk and building heights" (p. I-6). Neither the LOD nor the MND address this inconsistency. This part of the Wilshire Community Plan was left out of the MND's analysis of the Project's consistency with applicable plans (MND p. 3-123, Table 3.10-1).

The Project is also inconsistent with the Wilshire Community Plan because it lacks greenspace open to the community. Given that the Applicant is requesting so many entitlements from the City and seeks to build a Project that will be by far the largest development in the vicinity of the Project site, the Applicant should be required to provide more greenspace. The Wilshire Community Plan states that there is a "[s]evere shortage of public parks and open spaces in reasonable proximity to high-density, multiple-family residential neighborhoods" (p. I-9). The Project does include "residential common open space on the roof" (MND, p. 3-6) and ensures that "landscape programs for residents would be provided with a well-being lifestyle in mind," including a lawn and terrace seating (MND, p. 3-6). However, the only space that has explicitly been made open for free public use is the space along Western Avenue and pedestrian passageways and connections within the interior of the Project site (MND, p. 3-5). Those areas are not particularly "green" and do not satisfy the Community Plan's prescription for more publicly accessible park space. A project of this size should offer publicly accessible green space to the community, consistent with the Wilshire Community Plan.

4. CPC's Letter of Determination includes inconsistencies, lacks clarity, and fails to address all of administrative record.

The CPC's Letter of Determination ("LOD") states that the Project was assessed in the MND and determined that no subsequent EIR was required "based on the whole of the administrative record" (LOD, p. 1). But the CPC has not addressed issues raised in oral and

Appendix 1

UNITEHERE! Local 11

464 Lucas Ave., Suite 201 • Los Angeles, California 90017 • (213) 481-8530 • FAX (213) 481-0352

December 14, 2017

City Planning Commission
200 N. Spring Street, Room 532
Los Angeles, CA 90012
cpc@lacity.org

Re: Comments for City Planning Commission hearing on 800 South Western Project (CPC-2017-3608-GPA-ZC-HD-DB-MCUP-CU-SPR/ENV-2016-3609-MND/VTT-74511) – 12/14/17 CPC hearing Item 10

Dear City Planning Commissioners,

On behalf of over 28,000 hospitality and restaurant workers represented by UNITE HERE Local 11, we write to express our opposition to the 800 South Western Project. UNITE HERE Local 11 seeks to raise standards for workers in the hospitality and tourism industry in Los Angeles. In addition to fulfilling integral roles in the local economy, many UNITE HERE Local 11 members also live Koreatown.

Before the City Planning Commission (CPC) is consideration of Item 10 in regards to the proposed project at 800 South Western Avenue ("Project"), concerning the General Plan Amendment ("GPA") to amend the Footnote 5.1 of the Community Plan Area's General Plan Land Use Map to apply to the property and the Add area, a Vesting Zone Change and a Height District Change ("VZC/HD") for the property from Height District No. 1 to Height District No. 2 to allow a Floor Area Ratio of 4:1 in lieu of 1.5:1, a Density Bonus ("DB") setting aside four dwelling units restricted to Very Low Income Households as Restricted Affordable Units for one Off-Menu Incentive to allow a reduction in side yard setback to 2 feet 6 inches setback in lieu of the 15-foot side yard setback requirement, a Master Conditional Use ("MCUP") for the sale or dispensing of a full line of alcoholic beverages for on-site consumption at six restaurants on the premises, a Conditional Use Permit ("CUP") to permit a hotel located within 500 feet of an R-zoned property, and a Site Plan Review ("SPR") for a project that exceeds 50 dwelling units and/or guest rooms (collectively "Entitlement(s)").

We take issue with potentially significant environmental impacts not adequately addressed in the Mitigated Negative Declaration ("MND") as well as various concerns regarding the Project's impacts on the communities of Los Angeles and Koreatown.

The proposed Project would include a 148-room hotel, 96 apartments and 58,343 square feet of commercial floor area, including retail and restaurant uses. We do not believe that the proposed 241 vehicle parking spaces is sufficient. We are concerned that the shortage of parking will lead to patrons parking in the surrounding Koreatown neighborhood where there is already a scarcity of parking spaces for existing residents.



LOS ANGELES CITY PLANNING COMMISSION

200 North Spring Street, Room 532, Los Angeles, California, 90012-4801, (213) 978-1300
www.planning.lacity.org

LETTER OF DETERMINATION

MAILING DATE: MAR 20 2018

Case No.: **CPC-2016-3608-GPA-VZC-HD-MCUP-CU-SPR**
CEQA: ENV-2016-3609-MND
Plan Area: Wilshire
Related Case: VTT-74511

Council District: 10 - Wesson

Project Site: 800 South Western Avenue;
800-824 South Western Avenue;
3564-3566 West 8th Street;
3550, 3558-3560 West 8th Street; and
801 South Oxford Avenue

Add Areas: 801-874 South Western Avenue; and
855 South Manhattan Place

The Add Area for the General Plan Amendment request consists of properties located at 801-874 South Western Avenue and 855 South Manhattan Place. No development is proposed for the Add Area. All existing uses would remain.

Applicant: Western Plaza Capital Holding, LLC
Representative: Edgar Khalatian, Mayer Brown

At its meeting of **December 14, 2017**, the Los Angeles City Planning Commission took the actions below in conjunction with the approval of the following project:

Demolition of the Eden Plaza building and the adaptive reuse and addition onto the existing 4-story IB Plaza building, the construction, use and maintenance of a new 12-story mixed-use building, and a new 3-story commercial building. The Project will include approximately: 148 guest rooms (limited service hotel); 96 apartment units, with 8 units, set aside for Very Low Income Households; 58,343 square feet of commercial floor area with retail uses and restaurants with or without alcohol service; 241 vehicle parking spaces; and 290 bicycle parking spaces. The Project will include approximately 229,138 square feet of floor area, with a proposed floor area ratio (FAR) of 3.72:1. The amount of soils removed or exported would be approximately 20,000 cubic yards.

1. **Find**, based on the independent judgment of the decision-maker, after consideration of the whole of the administrative record, the project was assessed in Mitigated Negative Declaration, No. ENV-2016-3609-MND, adopted on November 13, 2017 (under Case No. VTT-74511) and reflected in the errata dated November 2, 2017 with mitigation measures and the Mitigation Monitoring Project prepared for the Mitigated Negative Declaration; and pursuant to CEQA Guidelines, Sections 15162 and 15164, no subsequent EIR, negative declaration, or addendum is required for approval of the project;

If you seek judicial review of any decision of the City pursuant to California Code of Civil Procedure Section 1094.5, the petition for writ of mandate pursuant to that section must be filed no later than the 90th day following the date on which the City's decision became final pursuant to California Code of Civil Procedure Section 1094.6. There may be other time limits which also affect your ability to seek judicial review.

Attachments: Ordinance, Maps, Modified Conditions of Approval, Findings, Resolution

c: Shana Bonstin, Principal City Planner
Jane Choi, Senior City Planner
Kinikia Gardner, City Planner