

MASTER APPEAL FORM

ORIGINAL

City of Los Angeles – Department of City Planning

APPEAL TO THE: City Council
(DIRECTOR, AREA PLANNING COMMISSION, CITY PLANNING COMMISSION, CITY COUNCIL)

REGARDING CASE #: ZA-2012-520-CUB-CUX-1A/ENV-2012-521-MND

PROJECT ADDRESS: 418-434 South Hill Street

FINAL DATE TO APPEAL: November 22, 2014

- TYPE OF APPEAL:**
1. Appeal by Applicant
 2. Appeal by a person, other than the applicant, claiming to be aggrieved
 3. Appeal by applicant or aggrieved person from a determination made by the Department of Building and Safety

APPELLANT INFORMATION – Please print clearly

Name: Rachel Torres

- Are you filing for yourself or on behalf of another party, organization or company?

Self Other: UNITE HERE Local 11

Address: 464 Lucas Avenue, Suite 201

Los Angeles, CA Zip: 90017

Telephone: (213) 481-8530 E-mail: _____

- Are you filing to support the original applicant's position?

Yes No

REPRESENTATIVE INFORMATION

Name: Briggs Law Corporation (Attorney Cory Briggs)

Address: 99 East "C" Street, Suite 111

Upland, CA Zip: 91786

Telephone: 909-949-7115 E-mail: _____

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

JUSTIFICATION/REASON FOR APPEALING – Please provide on separate sheet.

Are you appealing the entire decision or parts of it?

- Entire Part

Your justification/reason must state:

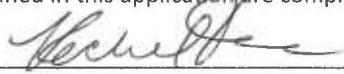
- The reasons for the appeal
- How you are aggrieved by the decision
- Specifically the points at issue
- Why you believe the decision-maker erred or abused their discretion

ADDITIONAL INFORMATION/REQUIREMENTS

- Eight (8) copies of the following documents are required (1 original and 7 duplicates):
 - Master Appeal Form
 - Justification/Reason for Appealing document
 - Original Determination Letter
- Original applicants must provide the original receipt required to calculate 85% filing fee.
- Original applicants must pay mailing fees to BTC and submit copy of receipt.
- Applicants filing per 12.26 K "Appeals from Building Department Determinations" are considered original applicants and must provide notice per 12.26 K 7.
- Appeals to the City Council from a determination on a Tentative Tract (TT or VTT) by the City (Area) Planning Commission must be filed within 10 days of the written determination of the Commission.
- A CEQA document can only be appealed if a non-elected decision-making body (i.e. ZA, APC, CPC, etc...) makes a determination for a project that is not further appealable.

"If a nonelected decision-making body of a local lead agency certifies an environmental impact report, approves a negative declaration or mitigated negative declaration, or determines that a project is not subject to this division, that certification, approval, or determination may be appealed to the agency's elected decision-making body, if any."
 --CA Public Resources Code § 21151 (c)

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

Appellant Signature:  Date: 11-20-14

Planning Staff Use Only

Amount	Reviewed and Accepted by	Date
Receipt No.	Deemed Complete by	Date

- Determination Authority Notified Original Receipt and BTC Receipt (if original applicant)

UNITEHERE! LOCAL 11

November 19, 2014

Los Angeles City Planning Department
200 S. Spring Street
Los Angeles, CA 90012

RE: Public Resources Code Section 21151(c) Appeal of Environmental Determination by Central Area Planning Commission; ZA-2012-520-CUB-CUX-1A/ENV-2012-521-MND.

Dear Madam or Sir:

On behalf of UNITE HERE Local 11 and the Inland Oversight Committee, I am writing to appeal the decision of the Central Area Planning Commission at its meeting on October 28, 2014: namely, Project no ZA-2012-520-CUB-CUX-1A/ENV-2012-521-MND. The appeal is being made pursuant to Public Resources Code Section 21151 (c).

The approval violates the requirement that an environmental impact report be prepared because substantial evidence in the record supports a fair argument that the project has the potential for significant environmental impacts. Without proper environmental review, all of the other approvals associated with the project are also illegal and invalid. Please see attached documents and the letters submitted on behalf of the appellant to the planning commission for further information.

Thank you for your courtesy in this matter.

Best regards,



Rachel Torres
For Appellant

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Bruce D. Coons
Historical / Architectural Research
and Restorations
3130 Shadowlawn Street
San Diego, CA 92110
(619) 889-9933

October 29, 2014

Central Area Planning Commission
City of Los Angeles
200 North Spring Street, 10th Floor
Los Angeles, CA 90012

Re: Mitigated Negative Declarations for 849 South Grand Avenue (Embassy Hotel and Trinity Auditorium) ENV-2012-913-MND; and 418-434 South Hill Street (Historic Clark Hotel) ENV-2012-521-MND

Dear Central Area Planning Commission:

I am writing with regard to the above-referenced projects on your agenda for today, both of which appear to meet the criteria for listing on the California Register of Historic Places.

I have been working in the field of historic preservation and California Environmental Quality Act review for decades and have occasionally served as an expert witness (my resume is attached). Having reviewed the projects MNDs, which on the *surface* appear reasonably constructed to limit the impacts of the adverse effects on the cultural resources, I am concerned that the MNDs will not actually achieve compliance with their provisions and ultimately with the requirements of CEQA.

Each project's description fails to provide enough information for the public to properly evaluate the likely scope of the project's adverse cultural-resource impacts. There is scant information describing the historic elements of each project or the particular aspects of the mitigation measures as they relate to the specifics of each project. The MNDs appear to impose boilerplate mitigation measures without specifying what historic resources are at risk or how those specific resources will be protected through mitigation. In other words, there is no way a reasonable member of the public could ever tell, when the projects are finished, whether the impacts on historic resources were mitigated to a level of insignificance.

In the field of historic preservation, the standard approach is to develop a "Treatment Plan" for each of the affected historic resources and to fully disclose it in the project description and/or the mitigation measures. This plan should have the following

elements to ensure the adequate mitigation and protection of these important resources for each project:

- A set of “as built” plans listing and showing the “character-defining features” that are to be preserved and any that are to be removed, altered, or restored.
- A plan of how these elements are to be treated and protected during construction, and to ensure compliance with the Secretary of the Interior’s Standards for Rehabilitation.
- Detailed information on any elements to be restored or replicated and the methods to be employed during that process.
- Plans and Elevations showing what the final project will look like (finish, color, visibility to the public etc.) especially in regard to the previously identified “character-defining features.”

Without this information, your environmental review of the projects’ impacts on historic resources falls short of industry standards, and falls short of the requirements of CEQA in educating the public and the decision-makers about the projects’ adverse impacts and the ways in which those impacts can be adequately and fully mitigated to a level of insignificance.

I therefore urge you not to approve the projects until the MND for each one has been revised to meet industry standards and the requirements of CEQA.

A handwritten signature in black ink, appearing to read "Bruce D. Coons". The signature is fluid and cursive, with a long horizontal stroke at the end.

Bruce D. Coons

Vitea and Representative projects for

Bruce D. Coons
3130 Shadowlawn St
San Diego, CA 92110
619-889-9933

Education:

United States International University, Cal Western (1972-1973)
University of San Diego (1973-1974) History and Archeology major
Mesa College (1975-1976) History and Archeology major
Point Loma High School (1969-1972 graduate)
University of California, San Diego (Extension courses 1987-1988)
National Trust for Historic Preservation Seminar Goals and Objectives for S. D. County (1988)
New Techniques for Adobe seismic strengthening, The Getty 2006

Affiliations with the following organizations:

Save Our Heritage Organisation, S.O.H.O. (past Director, President and current Exec. Director 14 years)
Old Town Community Planning Group, current Elected Member
San Diego County Historic Site Board (Board Member 1989-1993)
San Diego Historical Society (member 1964-present)
National Trust for Historic Preservation (member 1980-present)
National City Historical Society (past Director and Historian)
San Diego Electric Railway Association (past Director and President)
National City Centennial Committee (history advisor)
National City Bay-front Advisory Board Commission
Congress Of History (member)
San Diego Padres Ballpark Project (PAG) Preservation Advisory Group
Safe and Scenic Committee for Highway 163
Historic landscape Committee for Old Town State Historic Park.

Awards:

2006 Architectural Restoration Award for 1245 Island Ave. City Of San Diego Historical Resources Board.
2003 Alonzo Award for the Padres agreement. Downtown Partnership.
2002 California Preservation Foundation Villa Montezuma Paint Scheme
2001 California Preservation Foundation Award Design Guidelines for Rehabilitation of the Historic Buildings at the Naval Training Center, San Diego. (1924 to 1946) For Wayne Donaldson.
2001 Historical Resources Board City of San Diego Award for Padres Ballpark Agreement
1998 People in the Trenches Award, Save Our Heritage Organization for the successful "Save the Hotel Del Coronado" campaign.
1994 People in the Trenches Award, Save Our Heritage Organization for saving the California Southern Railroad Depot.

1991 Preservationist of the Year, Save Our Heritage Organization for restoration of the George Kimball House.

San Diego Mayors Special Commendation for preservation of the George Kimball House.

Certificate of Appreciation for preservation of Manassas Battlefield.

Certificate of Appreciation for Outstanding Contributions for the recovery and reconstruction of the S.D. Aero-Space Museum.

Appreciation Award from Rolls Royce Owners Club, San Diego Region.

Appreciation Award from National City Chamber of Commerce for special contributions to the National City Centennial Celebration.

National Register and Historic Resources Inventory preparation

National Register application for the "Station and General Office Building, California Southern Railroad, First Pacific Coast Terminus of the Santa Fe's Transcontinental Railroad." Listed March 1996.

National Register Preliminary Determination Report for the California Southern Railroad through Camp Pendleton Calif.

Cal Trans HPSR/ Finding of effect, National City Railroad Depot.

State Of California, Dept. of Parks and Rec., Historic resources Inventory, California Southern/Santa Fe Transcontinental Terminus Depot. (1988)

Successful Grant Preparation:

History and Archeology Grant Program of the California Wildlife, Coastal and Park Land Conservation Act of 1988 for The California Southern-Santa Fe Transcontinental Railroad Depot for S.D.E.R.A. for Depot Acquisition. **1.1 Million** dollar grant.

Federal Intermodal Surface Transportation Efficiency Act of 1991 for The California Southern-Santa Fe Transcontinental Terminus Depot on behalf of The City of National City. **1.4 Million** dollar grant.

Museum Projects:

Refurnished, reopened and provided new exhibits for the Whaley House Museum in Old Town San Diego.

Identified and Cataloged Hazard Museum Collection for Old Town State Historic Park.

Frank Kimball House Museum, For the City of National City, Artifact Acquisition and Display.

Museum Of American Treasures, Exhibit preparation, and Artifact Identification, National City, Cal.

George Kimball House, Private House Museum, owned and operated

San Diego Electric Railway Organization, San Diego, Artifact acquisitions.

Comstock Historical Restoration Foundation, Gold Hill, Nevada, Major Artifact Acquisition.

University of Texas Centennial Museum, El Paso, Texas, Research for Railroad Exhibit.

Granger Music Hall for The National City Historical Society, Artifact Acquisition.

Transcontinental Railroad Museum Planning and creation.
Reconstruction of the Kitchen and back porch of the Whaley House (c1868)

Archeology:

Royal Presidio Excavations (1965-1981) foreman of volunteers (1979-1981)
Bancroft Ranch House Adobe, foreman excavations, trained handicapped student, historic research and artifact reconstruction (1975-1976)
Ruiz-Alvarado Adobe research report and floor plans for the City Of San Diego
Westec Environmental Services,(1980-1981) Projects including:
Ruiz-Alvarado Adobe
Devers to Pala Verde transmission line project Mojave Desert
Manzanita Indian Reservation Survey
Cuyapipe Indian Reservation Survey
McCain Ranch and Adobe
Puerta De San Jose Indian Village
Sorrento Valley mitigation project

Historic Color Consulting:

Over 120 Buildings including the following:
Dickinson-Boal House, Bed and Breakfast (1887)
David K. Horton House, Private residence (1894)
Elizur Steele House, National City's Heritage Square (1879)
Grandier-Benbough House, private residence (1887)
Bragg House, Private residence (1887)
Bushyhead House, S.D. County's Heritage Park (1887)
Granger Music Hall, National City Historical Society (1896)
Spring Valley School, cover for book "Our Hills and Valleys"
Noonan House (1919), private residence
Stein Farm, Living History Farm. (c. 1890)
Victorian House, private residence, National City (1888) for CDC
Transcontinental Terminus Depot, National City (1882)
Carson & Colorado #2, Private Railroad Car (1882)
Bungalow, San Diego (c1914) for City of San Diego
National City and Otay Railroad open passenger car #1 (1887)
Bungalow, (c1914) for Diane Scott
Mayhofer House (1896)
Bugalow (c1920) for Lucy Warren
Victorian (1887) for James Justice
Earp House (1882) Tombstone Arizona
Villa Montezuma, San Diego, CA. (1887)
Sherman Gilbert House (1887)
Temple Beth Israel
Whaley House (1857)
Steinley Residence (1924)
3 Victorians and 1 Bungalow for Maximiser investments
Julia Lifferring House (1894)
Bungalow for Bart Zigler
1870's Store Building Old Town San Diego.

Bungalow for Jennifer Lessar
Victorian 1st Avenue San Diego
1950's Ranch for Harry Parashis
Beach House and Gazebo 1894 Escondido.
1930's House for Pete Harper
Mission Revival House (1907)
Britt Scripps House (1887)
Sheldon House (1886)
Senlis Cottage
Burton House

Restoration Consulting:

Alvarado Adobe, Pomona, CA. (C.1840)
Rodriguez Adobe Reconstruction, Old Town San Diego
Villa Montezuma, San Diego, CA. (1887) for the San Diego Historical Society
David K.Horton, Interior and Landscape, National City, CA. (1894)
Harbison House, National City, CA. (1876)
Granger Music Hall, National City, CA. (1896)
Stein Family Farm Foundation, National City, CA., (C.1890) Condition Assessment
Report and Supervising Restorationist.
Gold Hill Depot, Gold Hill, Nevada, (1869)
Machado-Silvas Adobe, Old Town San Diego (C.1830)
Rancho Guajome Adobe, Vista, CA., Advisory Only) (1851)
Chapel, Camp Pendelton, CA adobe brick making and historic building technique
instruction. (C.1820)
Aqua Caliente Adobe Chapel Warner's Springs CA (C. 1893) adobe wall reconstruction
and tower repair.
Sunset View Ranch House Lemon Grove CA (C.1892) Interior historic wallpaper
selection and installation.
"Station and General Office Building, California Southern Railroad, First Pacific Coast
Terminus of the Santa Fe's Transcontinental Railroad." (1882)
Restoration specifications, National City and Otay Railway open passenger coach #1
(1887) for the National City Historical Society.
Historic Structures Report, Fourth Ward School, (1875) Virginia City, Nev. for Wayne
Donaldson.
Design Guidelines for Rehabilitation of the Historic Buildings at the Naval Training
Center, San Diego. (1924 to 1946) For Wayne Donaldson.
Boronda Adobe (1817) Monterey CA
Beach House (1894)
Steinley Residence (1924)
4 Victorians and 2 Bungalow for Tim Rudolf
Lighting for San Bernardino Santa Fe Depot
1930's House for Pete Harper
Whaley House (1857)
Cary Jacobs Bond House (1908)
Verna House Restoration (c.1870)
Interpretive Plan for the Great Stone Church, Mission San Juan Capistrano.

Fundraising and Promotional Work:

Co-Chairman of National City Historic Home Tours, (1987,88,89,90, and 92) benefiting a different Preservation Group each year. Developed and initiated program.
Chairman of S.O.H.O.'s Historic Downtown Tour Series (1988).
Co-Chairman S.O.H.O.'s Point Loma Historic Home Tour (1987).
Fundraising sales for S.D.E.R.A.
Artifact sales for S.O.H.O.

Lectures:

"Early Rural Adobe Architecture of San Diego County: Materials, Methods, Myths and Evolution" Keynote address, Congress of History of San Diego County, 29th Annual Convention 1994.
"The California Southern Railroad and the battle with 'The Big Four'". Bonita Optimists Club. 1998, 2006 Congress of History.

Historic Photo Identification:

San Diego Historical Society Photo Dept.
National City Public Library History Room
San Bernardino County Museum

Workshops

Adobe U Maintenance of Adobe Structures a continuing series in conjunction with California State Parks and SOHO.

Historic Wallpaper, History, Selection and Installation. Save Our Heritage Organisation 1987.

Historic Paint Colors, How to determine the original colors, selection of appropriate period colors and proper placement. Save Our Heritage Organisation 1997. 2001

Kitchens and bathrooms for old houses. Save Our Heritage Organisation 1997.

Historic Gardens for Victorian and Craftsman houses Save Our Heritage Organisation 1997.

Walls Can Talk, How to read and date the changes your old house has gone through over the years. Save our Heritage Organisation 1999, 2000

Publications

"National City Depot", Transcontinental Railroad E Clampus Vitis San Diego, CA 1997

"Rancho Santa Margarita", E Clampus Vitis San Diego, CA 1998
Railroad portion.

Our projects have been featured in many regional and national books and other

publications



October 29, 2014

Mr. Cory Briggs
99 East "C" Street
Suite 111
Upland, CA 91786

**Subject: Clark Hotel Bar, Restaurant, Banquet Facility and Spa Use
Permit IS/MND, Project ENV-2012-521-MND P14009**

Dear Mr. Briggs:

Per your request I have reviewed the Transportation/Traffic component of the proposed Mitigated Negative Declaration (the IS/MND) for the proposed Clark Hotel bar, restaurant, banquet room and spa facilities in central Los Angeles. My qualifications to perform this review include registration as a Civil and Traffic Engineer in California, over 40 years of professional consulting practice in the field of traffic and transportation engineering and both preparation and review of the traffic and transportation components of numerous environmental documents. My professional resume is attached.

My technical comments follow.

**The Initial Study Supporting The MND Is Devoid of Any Meaningful
Transportation/Traffic Analysis**

The initial study supporting the MND is devoid of any meaningful transportation/traffic analysis. Under the 6 categories of potential Transportation/Traffic impact in Section XVI of the Initial Study, the explanation column entries simply contain an unsupported assertion of no significant impact or, in the case of Items "e" and "f", a repetition of the Project Description, as if that filler constituted some form of analysis.

**There Are Substantial Reasons Why the Project Could Add Motor Vehicle,
Transit and Pedestrian Traffic and Consequently Have
Transportation/Traffic Impacts**

The proposed facilities and uses could result in increased travel to and from the Hotel via motor vehicles (including cabs), transit, and on foot. The IS/MND has made no attempt to quantify such increased travel or the transportation impacts the added travel in the Clark Hotel vicinity could create. Reasons why the Project would likely create more travel and consequently transportation impacts include the following: