

ORIGINAL



APPLICATIONS:

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-2017-712-GPA-VZC-HD-VCU-SPR; ENV-2017-713-MND

Project Address: 2005 W James Wood Blvd., Los Angeles, CA 90057

Final Date to Appeal: 12/10/2018

Type of Appeal:

- ☐ Appeal by Applicant/Owner
☒ Appeal by a person, other than the Applicant/Owner, claiming to be aggrieved
☐ Appeal from a determination made by the Department of Building and Safety

2. APPELLANT INFORMATION

Appellant's name (print): Elle Farmer

Company: UNITE HERE Local 11

Mailing Address: 464 Lucas Ave Suite 201

City: Los Angeles

State: CA

Zip: 90017

Telephone: (213) 481-8530

E-mail: lfarmer@unitehere11.org

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

☒ Self

☐ Other: _____

- Is the appeal being filed to support the original applicant's position?

☐ Yes

☒ No

3. REPRESENTATIVE/AGENT INFORMATION

Representative/Agent name (if applicable): _____

Company: _____

Mailing Address: _____

City: _____

State: _____

Zip: _____

Telephone: _____

E-mail: _____

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: 1, 8, 34-39, 42, 44, 45

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

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

5. APPLICANT'S AFFIDAVIT

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

Appellant Signature: Elle Farmer

Date: 12/10/18

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: | 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) |

UNITEHERE! Local 11

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

December 10, 2018

Via Email and Hand Delivery

ORIGINAL

Kevin Golden
City Planner
City of Los Angeles, Department of City Planning
200 N. Spring St., Room 340
Los Angeles, CA 90012
kevin.golden@lacity.org

**Re: Appeal Justification for: 2005 W. James Wood Blvd Hotel Project
CPC-2017-712-GPA-VZC-HD-VCU-SPR; ENV-2017-713-MND
CPC Approval Made Effective by Nov. 20, 2018 Letter of Determination**

UNITE HERE Local 11 and Elle Farmer (collectively "Appellants"), hereby respectfully appeal (the "Appeal") the City Planning Commission ("CPC") approval of the above-referenced hotel development ("Project") proposed by 6421 Selma Wilcox Hotel, LLC ("Applicant"), located at 2005 W James Wood Blvd. ("Site"). Under the Los Angeles Municipal Code ("LAMC" or "Code") and the California Environmental Quality Act ("CEQA"), Pub. Res. Code § 21000 et seq., this Appeal challenges both the Project's various land use approvals ("Entitlements") and its adoption of a Mitigated Negative Declaration ("MND") (collectively "Project Approvals"). According to the November 20, 2018 Letter of Determination, December 10, 2018 is the last day to file an appeal.

Appellants respectfully reserve the right to supplement this appeal at future hearings and proceedings for this Project. *Galante Vineyards v. Monterey Peninsula Water Management Dist.* (1997) 60 Cal.App.4th 1109, 1120 (CEQA litigation not limited only to claims made during EIR comment period).

The City's does adequately address the still-existing authority of the Community Redevelopment Agency (CRA) over the Westlake Community Plan & Westlake Recovery Redevelopment Project. The LA DCP is not the recognized successor agency to the CRA in Westlake and it is inappropriate for a General Plan Amendment to change underlying residential zones to commercial zones without replacement or inclusionary housing without the dedicated CRA/LA process as stipulated by code and by the Community Plan¹²

¹ Westlake Recovery Redevelopment Project Area implementation memo, (2005). *See attached.*

² On February 1, 2012, the CRA/LA was dissolved pursuant to State legislation known as Assembly Bill 1X-26, Health & Safety Code § 33500 et seq. *See Community Redevelopment Assn. v. Matosantos* (2011) 53 Cal.4th 231. Pursuant to AB 1X-26, CRA/LA was succeeded by the DLA/Successor Agency with a Governing Board

UNITEHERE! Local 11

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

The MND Ignores the Need For Housing At The Site

A large portion of the Project Site is zoned for high-density apartment or multifamily residential use.³ Yet no housing is provided. According to the UCLA Ziman Center, Los Angeles housing prices have grown about four times faster than incomes since 2000 and “affordable housing production and preservation needs to accelerate.”⁴ Los Angeles is the least affordable rental market in the country, according to Harvard University's Joint Center for Housing Studies, and it has been ranked the second-least affordable region for middle-class people seeking to buy a home.⁵ In addition, the City of Los Angeles's Housing Needs Assessment indicates that through September 30, 2021, 20,426 additional housing units are needed in the City for very low-income, 12,435 for low-income, and 13,728 are for moderate income.⁶

The City's General Plan addresses this urgent need for affordable housing. The Housing Element of the General Plan explicitly states goals and policies for expanding the number of affordable housing units in the city:

- Goal 1: “A City where housing production and preservation result in an adequate supply of ownership and rental housing that is safe, healthy and affordable to people of all income levels, races, ages, and suitable for their various needs.”
- Policy 1.1.1: “Expand affordable home ownership opportunities and support current homeowners in retaining their homeowner status.”
- Policy 1.1.2: “Expand affordable rental housing for all income groups that need assistance.”
- Objective 2.5: “Promote a more equitable distribution of affordable housing opportunities throughout the City.”

appointed by the Governor. The DLA/Successor Agency assumed all powers, duties and obligations of CRA/LA (Health & Safety Code § 34173(b)), which it continues to this day still making land use, CEQA, Owner Participation and Density Transfer Program approvals or development projects under the Hollywood Redevelopment Plan. See e.g., DLA/Successor Agency (2/1/18) Regular Meeting Agenda, available at http://www.crala.org/internet-site/Meetings/Board_Agenda_2018/upload/A02-01-18_GB_Regular_Agenda.pdf; DLA/Successor Agency (1/4/18) Annual Meeting Agenda, available at http://www.crala.org/internet-site/Meetings/Board_Agenda_2018/upload/A01-04-18_GB_Regular_Agenda.pdf; DLA/Successor Agency (5/5/16) Staff Report Item 7, available at http://www.crala.org/internet-site/Meetings/Board_Agenda_2016/upload/May_5_2016_Item_7.pdf.

³ Initial Study/Mitigated Negative Declaration for the 2005 W. James Wood Blvd. Hotel Project, p. i (hereafter referred to as “IS/MND”).

⁴ Rosalie Ray, Paul Ong, and Silvia Jimenez, “Impacts of the Widening Divide: Los Angeles at the Forefront of the Rent Burden Crisis,” *UCLA Luskin School of Public Affairs* (2014), p. 14, <http://www.anderson.ucla.edu/Documents/areas/ctr/ziman/2014-08WPrev.pdf>.

⁵ <http://www.latimes.com/opinion/editorials/la-ed-affordable-housing-part-1-20150111-story.html>

⁶ Los Angeles General Plan Housing Element, Chapter 1 (Housing Needs Assessment), p. 1-79, <http://planning.lacity.org/HousingInitiatives/HousingElement/Text/Ch1.pdf>

UNITEHERE! Local 11

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

- Policy 2.5.1: "Target housing resources, policies and incentives to include affordable housing in residential development, particularly in mixed use development, Transit Oriented Districts and designated Centers."
- Policy 2.5.2: "Foster the development of new affordable housing units citywide and within each Community Plan area."⁷

The same affordability concerns are addressed under the governing Westlake Community Plan ("WCP"). Residential Objective 1 states: "To designate a supply of residential land adequate to provide housing of the types, sizes, and densities required to satisfy the varying needs and desires of all segments of the community's population." WCP Residential Policy 5 states: "That the City shall discourage the demolition of affordable housing unless there is adequate assurance that suitable equivalent replacement units will be made available."⁸ The city would undermine these goals if it provides a General Plan Amendment to rezone over 8,000 square feet of R4-zoned land into purely commercial purposes, decreasing the available R4 stock in the midst of an ongoing housing crisis. Such a decrease in over-all potential housing stock in the WCP area could potentially drive already substantial rents even higher.

The IS/MND also fails to conform with Objective 10 of the Redevelopment Plan for the Westlake Recovery Redevelopment Project: "To provide housing choices and to increase the supply and improve the quality of housing for all income and age groups, especially affordable housing including housing for very low-, low-, and moderate-income large families and individuals. To eliminate overcrowding in individual units, and to provide home ownership opportunities, and other housing choices which meet the needs of the community."⁹

With no housing component, this Project is inconsistent with the General, Community and Redevelopment Plans. The City should not merely pay lip service to the mandates of its governing plans. For the 30,000 members of Local 11, who want to ensure that all Angelenos can afford to live in Los Angeles, the reduction in available land zoned for high-density residential development is deeply problematic. This Project does nothing to address these affordable housing goals and policies, and the MND is silent on the affordable housing issue and inconsistency related thereto. A full Environmental Impact Report should be conducted to meaningfully address the affordable housing issue as it relates to potentially significant inconsistency with applicable land use and general plans, including a housing nexus study.

⁷ Los Angeles General Plan Housing Element, Chapter 6 (Housing Goals, Objectives, Policies and Programs), pp. 6-3, 6-6, 6-10, <http://planning.lacity.org/HousingInitiatives/HousingElement/Text/Ch6.pdf>.

⁸ <https://planning.lacity.org/complan/pdf/wlkcptxt.pdf>, Westlake Community Plan (1997), p. III-2,

⁹ <http://www.craia.org/internet-site/Projects/Westlake/upload/Westlake.pdf>, CRA/LA Westlake Redevelopment and Recovery Project, (1999), project objectives p. 2,

UNITEHERE! Local 11

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

Land Use Elements Are Improper

Project Applicant is requesting a Conditional Use Permit to allow a hotel located within 500 feet of an residential zone. By proposing to demolish the current shopping center on the Project Site, the Project would eliminate neighborhood-serving resources and businesses and replace them with a 24-hour hotel oriented toward attracting business from outside the community.

Westlake Community Plan Commercial Objective 2 states: "To provide a range of commercial facilities at various locations to accommodate the shopping needs of residents and to provide increased employment opportunities within the community."¹⁰ Commercial Policy 4 states: "That neighborhood markets and retail and service establishments oriented to the residents be retained throughout the community, within walking distance of residents."¹¹

The existing uses on the Project Site, a church, a laundromat, and a restaurant, serve the community. The goals and policies of the associated Westlake Community Plans are being outright ignored in favor of a 'build-first, think-later' approach to this commercial project that renders our zoning laws all but meaningless; therefore, Applicants request a CUP should be denied. When considering commercial and residential needs of the residents, good land use policy, and the commercial viability for the Applicant, the equities apparent in this project make it obvious that a General Plan Amendment (GPA) should not and cannot be granted as a matter of policy and law.

Furthermore, the use of a General Plan Amendment to alter the footprint of the uses on the site by allowing for a significant increase in the allowable height of the Project is inconsistent with LAMC 12.21.1.A. The project site is surrounded by Residential zones with Residential restrictions; this project will be grossly out of step with the surrounding uses. The project as proposed cannot comply with required findings regarding necessity, public interest, or the general welfare. The proposed Project conflicts with Community Plan goals and policies. Granting a GPA to this project is also procedurally unfair to similarly situated applicants throughout the City who do not receive such special consideration. A General Plan Amendment should be not granted.

Air Quality

CEQA defines sensitive receptors as people or institutions with an increased sensitivity to air pollution or environmental contaminants. Sensitive receptors include schools, parks and

¹⁰ <https://planning.lacity.org/complan/pdf/wllcptxt.pdf>, Westlake Community Plan, p III-3, 4,

¹¹ *Id.*

UNITEHERE! Local 11

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

playgrounds, daycare centers, nursing homes, hospitals, and residential dwelling unit(s).¹² In order to fully assess potential public health impacts due to the Project's effect on air quality, the environmental analysis must provide the location of all sensitive receptors. The MND does not clearly explain why it fails to include a large number of nearby sensitive receptors in its analysis. These include:

1. Nanoom Christian Fellowship, 1927 James M. Wood Blvd. (117 ft. from Site)
2. Iglesia P. Christo Viene (church), approx. 836 Alvarado St. (200 ft. from Site)
3. Korean American Presbyterian Church, 926 S. Westlake Ave. (331 ft. from Site)
4. Hope and Peace Park, 843 S. Bonnie Brae St. (528 ft. from Site)
5. Zion Sung Church, 1826 James M. Wood Blvd. (528 ft. from Site)
6. Burlington Convalescent Hospital, 845 S. Burlington Ave. (1056 ft. from Site)

The IS/MND concludes that the Project would have a less than significant impact on the health of nearby sensitive receptors yet fails to conduct a quantified construction-phase or operational-phase Health Risk Assessment (HRA) to support its conclusion (IS/MND Appx. A, pp. 33-51). Instead, the Air Quality appendix to the MND references 2015-updated OEHHA guidelines for Health Risk Assessments (HRA) while failing to perform any HRA for the acknowledged potentially significant impacts.¹³ The same appendix acknowledges the particular danger of Toxic Air Contaminants (TACs) and other pollutants present to early childhood development but does not show evidence that no significant impact will occur at adjacent multifamily housing sites or community churches with routine child-care programs. The sole mitigation measure proposed does (MM-AIR-1, p. 28) (pp. 38-41) The IS/MND concludes further, without evidence, that the single mitigation measure (MM-AIR-1) proposed during the construction phase "would be expected to reduce" any impact below a threshold of significance (ID/MND Appx. A, p. 40).

Finally, Rule 1401.1 was established by the SCAQMD to be more health protective for school children located near facilities that emit toxic air contaminants. According to the SCAQMD *Risk Assessment Procedures for Rules 1401, 1401.1, & 212*, "Rule 1401.1 is designed to be more health protective for school children than Rule 1401 by establishing more stringent risk requirements related to facility-wide cancer risk and non-cancer acute and chronic HI for new and relocated facilities emitting toxic air contaminants near schools, thereby reducing the exposure of toxic emissions to school children."¹⁴ Given that the Project Site is almost entirely surrounded with known sensitive receptors a Health Risk Assessment must be conducted. The

¹² <https://www.ucop.edu/ceqa-handbook/glossary.html>

¹³ IS/MND Appendix A - Air Quality, pp. 33, 43-44, 51

¹⁴ "Risk Assessment Procedures for Rules 1401, 1401.1, & 212," SCAQMD, available at:

<http://www.aqmd.gov/home/permits/risk-assessment>

<http://www.aqmd.gov/docs/default-source/planning/risk-assessment/riskassprocjune15.pdf?sfvrsn=2>, p. 3

UNITEHERE! Local 11

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

omission of several of these Sensitive Receptors, only some of which are even identified in the IS/MND, shows a deep inadequacy with the CEQA analysis of this project. A full Environmental Impact Report (EIR) is required. City Planning should prepare an NOP and circulate a Draft EIR for this project.

The IS/MND attempts to justify these findings by comparing the Project's construction and operational criteria air pollutant emissions to the South Coast Air Quality Management District's (SCAQMD) Localized Significance Thresholds (LSTs) (p. 4.0-10). While the LST method assesses the impacts of pollutants at a local level, it only evaluates impacts from NO_x, CO, PM₁₀, and PM_{2.5}. As a result, health impacts from exposure to TACs, such as diesel particulate matter (DPM), were not adequately analyzed, thus leaving a significant gap within the IS/MND's analysis.

The IS/MND's justifications for omitting a quantified construction-phase and operational-phase HRA are erroneous. Construction of the proposed buildings and parking land uses will require the use of off-road equipment and heavy-duty on-road hauling trucks, which both emit DPM emissions, a known human carcinogen (Appendix A, p. 29-31, 43, 50).¹⁵ Furthermore, once operational, the Project will generate additional vehicle trips that will emit substantial amounts of DPM emissions which are dismissively downplayed by the IS/MND (Appendices A, CC, operational emissions).

The failure of the IS/MND to complete a Health Risk Assessment for construction and properly evaluate the potentially significant impacts on the health of sensitive receptors leaves the environmental analysis inadequate and unfinished.

¹⁵ IS/MND Appendix A - Air Quality, Table 1, p. 5

UNITEHERE! Local 11

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

Conclusion

The MND for this project leaves many potentially significant impacts unaddressed on traffic impacts from the project (cumulative and project specific); Air Quality, Greenhouse Gas Emissions, and cumulative project impacts. The project requires a full Environmental Impact Report be done to properly and completely assess and analyze the myriad significant and cumulative impacts it would have on the environment and human health.

Further, the City has failed its responsibility to the public and the City Charter in its formulation of the land uses and proposed zoning of this project, and required findings cannot be made, or are not adequately made by the City. The MND for this project is incomplete and the project fails to clear many important hurdles for a discretionary project. As such, a full EIR should be written and circulated to fully examine this project as the law demands.

Respectfully,

Elle Farmer

Research Analyst

UNITE HERE Local 11